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BATS304 TRIBAL DEVELOPMENT IN INDIA



**BA (TRIBAL
STUDIES)**
6TH SEMESTER

Rajiv Gandhi University
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About the University

Rajiv Gandhi University (formerly Arunachal University) is a premier institution for higher education in the state of Arunachal Pradesh and has completed twenty-five years of its existence. Late Smt. Indira Gandhi, the then Prime Minister of India, laid the foundation stone of the university on 4th February, 1984 at Rono Hills, where the present campus is located.

Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

The University was converted into a Central University with effect from 9th April, 2007 as per notification of the Ministry of Human Resource Development, Government of India.

The University is located atop Rono Hills on a picturesque tableland of 302 acres overlooking the river Dikrong. It is 6.5 km from the National Highway 52-A and 25 km from Itanagar, the State capital. The campus is linked with the National Highway by the Dikrong bridge.

The teaching and research programmes of the University are designed with a view to play a positive role in the socio-economic and cultural development of the State. The University offers Undergraduate, Post-graduate, M.Phil and Ph.D. programmes. The Department of Education also offers the B.Ed. programme.

There are fifteen colleges affiliated to the University. The University has been extending educational facilities to students from the neighbouring states, particularly Assam. The strength of students in different departments of the University and in affiliated colleges has been steadily increasing.

The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

SYLLABUS
TRIBAL DEVELOPMENT IN INDIA

- Unit – I Approach to Tribal Development in India**
- Unit -II Five Year Plans and Tribal Development Programmes**
- Unit -III Critical review of some Tribal policies I**
Provisions of the Panchayats (Extension to Scheduled Areas)
Act, 1996
- Unit-IV Critical review of some Tribal policies II**
Scheduled Tribes (Recognition of Forest Rights) Act, 2006.

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UNIT-I

APPROACH TO TRIBAL DEVELOPMENT IN INDIA

Unit Structure

- 1.1 Learning Objectives
- 1.2 Introduction
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- 1.5 Keywords
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- 1.7 Answers to Check Your Progress
- 1.8 Further Reading

1.1 Learning Objectives

After reading this unit you will be able to

- understand what the perspective of tribal development conveys during three different periods-pre-colonial, colonial and post-colonial;
- explain the issue of tribal development in a historical perspective;
- conceptualise 'tribal development' with reference to national development policy perspectives;
- compare the nature of policies of tribal development during pre-colonial, colonial and post-colonial periods;
- enumerate policy instruments of tribal development;
- know about various approaches suggested for tribal development in India;
- assess objectives of different approaches;
- explain the approaches adopted in the policy frame of national development; and
- distinguish between policy approaches adopted in Fifth and Sixth Scheduled areas.

1.2 Introduction

In academics, the designation 'tribe' ordinarily refers to a socio-anthropological category of people. It is not a surprise to find the use of Scheduled Tribe (ST) and Non-Scheduled Tribe (Non-ST) by Indian anthropologists so that the social category called tribe in socio-anthropological sense is represented. Scheduled Tribe is an administrative category of designated people and together with its Non-ST counterpart it forms the social category. You have already read both constitutional and non-constitutional categories of tribe in Paper-II, section 1.4.5.

However, for practical purposes the categories a ST and tribe are used synonymously. Development perspective for STs is different from that of Non-STs. As you know constitutional provisions safeguard ST interest but not of the non-STs in the same manner. Development policy for STs follows provisions of special safeguards along with general ones meant for Non-STs and other social categories. In this Unit you shall learn ‘tribal development’ as the ‘development of STs’.

Another clarification is in order. As you know the ST category is a post independence construct. In this construct all the communities considered as ‘tribes’ in colonial period, either in ‘criminal tribe’ group or as census category, have not been included. So development during colonial period shall be discussed with reference to the category ‘tribe’ of that period.

During pre-colonial period the designation ‘tribe’ was not used. The communities which were designated as tribe in colonial period had different terms of address which you have read in Paper-II, section 1.3.2. When we use the term tribe in the context of pre-colonial period you shall mean those communities who were designated as tribe in colonial period.

As you have read in Paper-II section 1.6, tribes in India do not fully fit in colonial scheme of isolated group. History of tribal policy therefore extends beyond colonial period. You should know that the concept of ‘development’ was coined during World War-II. Policy as an instrument of governance in the hands of the State with regard to the tribes normally goes back to colonial rule. It would differ from earlier State policy in that the tribals as a generic group were not included in the process of state intervention. But policy as a course or guideline of action also existed in traditional tribal communities before colonial rule, but connoted through different expressions. A village head’s decision to go for a community hunting is a course of action to be followed by community members according to customary practices. Obviously, it carries a similar force at the core like today’s government policy.

Similarly, what we mean by development perspective today was beyond the comprehension of a traditional community, but a perspective of material and non-material wellbeing of the community and individual members was its ultimate goal. The difference between the contemporary and traditional perspectives is of degree but not in kind.

Now you must have understood the scope of discussion though the concepts used convey a sense not very old like tribal communities themselves. However, the main focus of discussion on tribal development and its approaches will be laid on the policy frame of post-independence period. The discussion carried out beyond post-independence period aims at giving you a comparative understanding of the subject.

1.3 Approaches to tribal development in India

It is discussed in section 3.4.1 above that tribes were self-reliant autonomous communities before colonial rule. During colonial period their autonomy was disturbed in varying degrees

due to land and forest policies of the government. Their self-reliance and traditional livelihood pursuits were disturbed due to colonial trade and commerce and entry of non-tribal traders and money lenders into their areas. However, in a broader sense, the colonial government followed the policy of non-interference in principle.

At the time of independence tribes were epitome of poverty, illiteracy, superstition and other indicators of backwardness. But in independent India the tribes were neither left to their pre-colonial situation nor treated in colonial sense. They were very much part and parcel of Indian nation, at the altar of whose making many tribal freedom fighters had sacrificed their lives. Independent India belongs to them as much as it belongs to others. But the challenge was their historical sufferings which placed them in a lower socio-economic status. How to raise their status and how to bring them at par upper sections of the society became a challenge for the nation builders. In other words, how to approach to their development was a challenge at the time of Independence of the country. Academicians and national leaders suggested various ways to approach their development. Even the colonial approach was suggested by some. In this section you will learn different approaches suggested and approaches which are in operation to tackle tribal problems.

1.3.1 Approaches during Colonial Period

From earlier discussion you have already formed an idea that during colonial period 'isolation' was the approach towards tribals. But you will learn in this section that two more approaches, namely assimilationist and integrationist, had their origin during colonial period. Primarily isolationist approach is associated with colonial administration while other two approaches with national leaders. You will also learn that out of these two approaches, assimilation approach was opposite to isolation approach and integrationist approach was midway between assimilation and isolation.

During colonial period, isolation approach was predominating till assimilation approach was proposed. But the latter approach was an intellectual exercise without any practical application like the former. However, the isolationist approach proposed by Verrier Elwin was also an intellectual proposition unlike that of the colonial administration. The idea of isolation which the colonial ruler envisioned was translated into action through administrative measures by creating backward tracts and excluded and partially excluded areas.

The integration approach was germinated in the minds of Gandhi and Nehru. But as you will learn it was clearer in Nehru's vision of understanding national development. This approach was, however, clearly outlined after Independence and became the guiding principle of tribal development.

Approach of Isolation

You are already familiar with colonial policy of isolation and non-interference towards tribes. Area wise isolation began with the enactment of Government of India Act of 1870 and a few

tracts were specified as 'Scheduled Tracts'. Sooner Scheduled District Act of 1874 gave effect to the Government of India Act, 1870. Innerline Regulation of 1873, which was extended to territories of Nagaland, Manipur, Mizoram and Arunachal Pradesh, is nothing but a strategy of British administration to keep the tribals isolated. All these Acts were in force till 1919 when certain territories were declared 'Backward Tracts' under the Government of India Act of 1919. Again on the basis of the provisions of 1935 Act, 'Backward Tracts' were designated as 'excluded and partially excluded'.

In 1930s the notion of isolation was popular in academics and at intellectual level. Its major exponent was Verrier Elwin. In 1936, he wrote a detailed account of the primitive tribe called 'Baigas' of Bastar district of present Chattisgarh. In his work, Elwin came up with the idea of isolation which he had upheld much before. Prior to him, there was a school of thought which favoured isolation. Hutton, who was a Commissioner for Census of 1931, talked of the loss of tribal political and cultural autonomy mainly in the North East. In his opinion the loss was a result of acculturation. So he suggested a solution to the tribal problems by creating self-governing tribal areas with free power of self-determination. We learn from Rustomji (1989/2001) that Shakespeare, a British administrator, also favoured the policy of isolation.

The idea of Elwin and other Britishers was accepted by the colonial government. Therefore, it found expression in the Government of India Act of 1935. It decided to create protected and excluded areas for the tribal dominated areas of Bastar of Chattisgarh and outsiders were not allowed on the assumption that it might lead to exploitative consequences.

Indian scholars like S.C. Roy, D.N. Majumdar also strongly believed that problems among the tribals were due to overexposure to the industrial culture. Roy, for example, in his study of aborigines of Chhotanagpur (1931) and Hill Bhuiyans of Orissa (1937) pointed out the good effects of Christianity and Hinduism on the Oraons and Mundas of Chhotanagpur and Hill Bhyians of Bihar and Orissa. But he was strongly against the exploitation which he observed took place due to this exposure. He was critical about the role of government officials, money lenders and traders. In the context of integration with the development process he was very critical. They found a conflicting situation but were cautious about favouring an approach in place of other. However, they had a tilt toward assimilation.

All the writings of 1930s had the same view of tribal isolation. However, Elwin is considered pioneer of this idea. Verrier Elwin suggested the creation of 'National Parks' where the tribal people could live safely without being victims of what Elwin calls an "over-hasty and unregulated process of belief and civilization".

Rath (in Rath, 2006) informs us that Elwin observed the intensity of Baiga exploitation in course of their outside interaction. Despite their misery, the Baiga had cherished a dream. He found them dreaming of *Baiga Raj*. Understanding this dream in the line of Gandhiji's notion of self-reliance, Elwin conceptualised it in terms of 'National Park' approach. He suggested, 'the first necessity' was the establishment of a sort of National Park in which not only Baiga,

but thousands of simple Gonds in their neighbourhood might take refuge. At the core of this approach was a space for the Baigas to govern themselves without exploitation from outsiders. However, Gandhiji did not approve of Elwin's approach to keep the tribes separate from the mainstream India. Nehru also did not favour the isolation approach of Elwin advocated through 'National Park' approach. Nehru's vision was for a broad based and effective approach to development of the entire nation.

You will learn when you study assimilationist approach that many nationalist heavily criticised Elwin's approach. They found in it a design of divide and rule.

Later, Elwin tried to correct the critiques by describing himself as protectionist. He tried to clarify that his vision of National Park approach was imbued with the idea of protection, rather than isolation. He considered himself 'protectionist', for he 'was opposed to the subservience of the savage to the civilized in the process of development.

This protectionist stand along with Nehru's development approach for the entire nation translated into Nehru-Elwin integrationist approach after Independence. But his earlier position taken for National Park approach did not mitigate the blame of isolationist. Whenever isolation approach is mentioned his name comes to the fore.

Now the question is what is National Park approach and why did he advocate it? You have just got the idea that he wanted self-governance for the tribes, free from exploitation and free from exposure to the process of development in general. So he made the following suggestions which give the idea of National Park approach:

1. Tribes should be kept separated from outside world in self-governing tribal areas with free power of self-determination.
2. Tribals should not have contact with the outside world.
3. No outsider and no missionary of any sort should be allowed to meddle in tribal way of life.
4. In case of any contact with the outside world, it should be reduced to the minimum.
5. The administration should be so adjusted as to allow the tribesmen to live their life with almost possible happiness and freedom.
6. Steps should be taken for tribal progress and advantage, provided that the
 - quality of tribal life was not impaired,
 - tribal culture was not destroyed, and
 - tribal freedom was restored and maintained.

Elwin puts forward three major reasons to support his policy of temporary isolation. In his *Philosophy for NEFA*, he maintains that the policy of isolation he advocated for certain small tribes did not mean to keep them as they were. The temporary isolation was prescribed because at that time the only contacts they had with the outside world were debasing contacts. Such contacts led to economic exploitation and cultural destruction.

The first reason he forwards is that tribals were exploited by landlords and Zamindars, robbed by moneylenders, cheated by merchants, and their culture was largely destroyed by foreign missionaries.

Secondly, he maintains that the belief in the happy carefree Noble Savage is a myth. In NEFA at least the people did not have enough food. They suffered from abominable diseases and were heavily burdened with anxiety. Their life was distracted by war, kidnapping, slavery and cruel punishments. They were not free; weaker tribes had to pay tribute to the strong; rich and powerful chiefs grew richer on the labour of hundreds of serfs; freedom of movement was severely restricted by inter village conflict.

Thirdly, he writes, "while isolation was possible in the last century it is not possible today". For this he cites the reasons that modern industry is transforming the whole world; the humanitarian ideas of a welfare state no longer permit the neglect of any section of the population; political necessities forbid the existence of any administrative vacuum on the international frontier; tribal leaders themselves demand greater opportunities, and no one wants to keep the tribal people as museum specimens for the benefit of science.

It is clear that Elwin has tried to defend his approach of isolation subsequently. He defended it because he did not advocate for permanent isolation but for a temporary one. The isolation he proposed through National Parks approach was protectionist in nature and this understanding shaped his idea of integrationist approach after Independence.

Approach of Assimilation

As you know isolationist approach at intellectual level was championed by Verrier Elwin and few others in 1930s. However, it was criticised by national leaders who tried to formulate a suitable approach for tribal development. This effort emerged as an opposition to isolationist approach. At the same time a group of national leaders like Nehru and Gandhi did not believe in complete assimilation. A debate ensued to formulate an acceptable tribal policy in India in the 1940s. When Indian leaders were trying to formulate a tribal policy, at that time international bodies like UNO and ILO were also formulating tribal laws by recognising them as indigenous people. You have already studied that the concern of national leaders for suitable approach to tribal development is reflected through safeguards as enshrined in the Constitution of India.

The opponents of Elwin's policy of isolation argued that assimilation of tribal people with the rest of population is a continuous process. They emphasised on the fact that the tribals

constitute a subsystem of the broader Hindu social organisation, and the welfare of the tribal people consists in their assimilation with the non tribals. Foremost among the protagonists of assimilation approach were anthropologists G.S.Ghurye, S.C.Dube and the famous social worker A.V.Thakkar. Even Gandhi criticized British policy of isolation on the ground that they are spreading separatist tendency.

The centrality of argument of Elwin for tribal isolation was poverty of tribals due to non-tribal exploitation. G.S.Ghurye (1943) instead blamed the colonial policy solely responsible for tribal miseries. You have studied how tribes were alienated from their land and exploited by moneylenders due to colonial policy. Ghurye takes this as a central point of his argument to show that it was not non-tribal/outsider contact, rather the colonial policy that exploited the tribals. He wanted to prove that Hindu castes were in symbiotic relationship with tribes since time immemorial. Both tribes and caste Hindus together remained intrinsic parts of Indian civilisation. Ghurye (1943) advocated for the complete assimilation of the tribals with non-tribals. He opined that "it is misleading to regard the tribes as aborigines or autochthons; they were actually only backward Hindus and the solution of all their problems, cultural, economic and social, lay in complete assimilation into Hindu Society". So, blamed Elwin trying to break this harmony through his isolationist approach. He further criticised the approach of isolation as a design to ensure adequate revenue generation within the protected area land.

M.N.Srinivas (1944) opposed the policy of isolation on the ground that every social group, however primitive it might be, had certain in-built potential to adopt a new technology for survival. He wondered why the Baigas would not be capable of taking to plough cultivation. His argument was based on the aspects of cultural dynamism in that culture is adaptive to changes.

According to S.C Dube, 1960 (in Vidyarthi and Rai,1976/1985), it was a deliberate attempt by the colonial government to create a cleavage between the tribals and non-tribals. He argued that the process of assimilation has been a part and parcel of the Indian tribal culture. The assimilation is conceptualised Srinivas's concept of Sanskritisation, and other anthropologists' concepts like Hindu mode of tribal absorption, Rajputisation of Bhils, tribe, peasant and caste continuum, etc. on the basis of empirical data. Vidyarthi and Rai (1976/1985) conclude that gradual tribal assimilation into the Hindu peasantry at various levels as Kshatriya agriculture clean caste or even low castes is a characteristic of Indian society. The studies of the ethnographers especially of the tribes of Himalayas, western and middle India have left the least doubt to establish that some of these tribes are Hinduised to the extent that they have been assimilated with the different castes at different levels in the caste system.

However, this cannot be generalised to tribes of all regions in India. In Arunachal Pradesh, for example, the process of assimilation is conspicuously absent. This leads to the conclusion that assimilation does not exist with all the tribes in the country. This observation

strengthened the argument in favour of integration approach which you will study in the following section.

A.V.Thakkar said that the policy of isolation supported the academic interests of anthropologist. He said that this policy helped them in maintaining the distinction between the tribals and non-tribals and thus, they could academically romanticize tribe. In fact, Thakkar gave his own approach, which came to be popularly known as the social workers approach or the policy of assimilation. He did not approve of the idea that the activities of Indian social workers would spread evils among the tribe. He himself found no reason to believe that only the bad customs of the Hindus and Muslims would be initiated among the tribals. He further opined that the safeguards like the laws regarding non-alienation of land could be instituted to protect the tribals from the evil effects of the contact. Separation and isolation, according to Thakkar Bapa, were dangerous theories and he viewed that they would strike at the root of national solidarity. Sachidananda (1992) quotes Thakkar Bapa's argument in favour of assimilation. According to Thakkar Bappa,

‘The aborigines should form part of the civilised communities of our country not for the purpose of swelling the figures of the followers of this region or that, but to share with the advanced communities the privileges and duties on equal terms in the general social and political life of the country. Separatism and isolation seem to be dangerous theories and they strike at the root of national solidarity. We have already enough communal troubles, and should we add to them instead of seeing that we are all one and indivisible? Safety lies in union not in isolation’.

The policy of assimilation has come in for scathing criticism by various anthropologists. Again pioneer among them was Elwin. As you know Elwin's approach was opposed by assimilationist argument. Elwin put forward his argument of poverty, exploitation, etc. which he used to suggest National Parks approach to criticise the approach of assimilation. He added the draw backs that assimilation would exert on socio-cultural and psychological life of tribals on the basis of empirical findings. In his Philosophy for NEFA he provides a detailed account of the dangers of this approach by citing an anonymous memorandum on ‘The Impact of Modern Civilization on the Tribal Peoples of Madhya Pradesh’. This memorandum had special reference to the situation in Bastar.

Elwin maintained that it would tend to make the tribesman ashamed of his own culture and religion. It also creates inferiority complex, which is a political and social danger. Although it favours a few gifted individuals who are able to assimilate the new way of life, it generally deprives the mass of the people of their standards and values. Elwin further stated that all over the world the break-up of the tribal society led to a loss of the tribal values and a rapid acquisition of the vices of civilisation. He cautioned that the assimilation forces would weaken the tribal solidarity and of the folk-legal sanctions and would deprive the younger generation of their cultural moorings and set them adrift in an alien world. Assimilation, more often than not, would lead to disappearance of the arts and crafts, the music and dancing, self reliance and independence, and the corporate discipline of the tribals.

In this regard he was in complete agreement with the point of view of Dr. B.S Guha who wrote:

‘Complete isolation has never led to progress and advancement but always to stagnation and death whether we look to lower animals or human beings’.

‘On the other hand, the history of human society shows that civilisation everywhere has been built by the contact and intercourse of the people which has been the chief motivating power behind progress. There are innumerable instances of bonding of cultural traits by people of different countries such as articles of food, use of metals, domesticated animals, methods of agriculture, and spread of the alphabet. So long as the bonding has been natural and in harmony with the cultural setting and the psychological makeup of the people, it has been entirely beneficial and even added to the richness of their culture.’

Elwin is very sceptical that the bonding would be always beneficial for the tribes. He tried to justify his stand of denouncing assimilation beneficial by mentioning two phases of interactions between primitive folks and civilised persons as suggested by Guha in 1951. The first phase was a period of conquest and spoliation and the second as an effort to redeem the wrongs done in the earlier phase. In the second phase even redeeming effort could not prevent depopulation. But Guha’s historical account of tribal plight across two phases was based on American experience on which Elwin based his argument. This is where Ghurye was critical of Elwin in Indian context in favour of assimilation.

But at the time of Independence Nehru’s idea was dominant. He favoured the integrationist idea of Elwin as it was based on his ideology of ‘unity in diversity’. As far back as 1952, we find that Nehru criticized the approach of assimilation. He said that assimilation would lead to second role imitation of wider culture and by converting them they would lose their identity. Through assimilation the fabric of cultural life of tribal people would be destroyed. He raised a question that ‘can we say that we are developed and better off in comparison to them’. He further said, “I don’t have an answer to this but I certainly know that tribal life having its own characteristics is happier in many ways than of our own and every attempt should be made to preserve the best in tribal life’. And this marked the beginning of policy of integration.

1.3.2 Approaches during Independence India

The approaches to isolation policy in 1930s and to assimilation policy in 1940s spreading across colonial and pre-colonial periods were discarded in favour of integrationist approach. In addition to integration approach you will also learn a few more approaches evolved in course of development intervention by the State.

Approach of Integration

The Government of India has adopted the policy of integration of tribals with national development process. In this process it ensures protection of tribal interests and their distinct way of life; and at the same time it works towards providing social, political and economic justice through progressive integration with national development agenda. This policy of integration falls between the other two policies i.e. isolation and assimilation. This approach argues that some institutions of tribal society should be preserved. The institutions that are to be isolated are the administrative institution and no interference from the government should be tolerated. Institutions that can be assimilated are the ones that do not affect tribal sentiments.

Pioneers of integration approach were Nehru and Elwin together. Elwin raised a fundamental question in his article entitled 'Do we really want to keep them in zoo'. In this article and in his book *Philosophy for NEFA* he countered the charges, which were labelled against him by the social workers and Indian anthropologists. He explained that the policy of isolation came up in response to general breakdown of tribal social fabric. You have already studied the arguments in favour of and against isolation and assimilation. You have already learnt how the argument in favour of the approach of integration evolved. It was the manner in which the tribals were responding to industrialization. In his work 'A Philosophy of NEFA' in the preface Nehru gave his opinion of integration. Elwin in the book gave the following points as essence for policy of integration.

- Tribal people should be approached with a tribal mindset.
- Tribal cultures with special reference to traditional practices and customs must have continuity and change.
- The economic rights of tribals must be protected and they should be allowed to continue with traditional practices.
- The tribal culture should be preserved, integrated and developed.
- Finally, tribals must be united and integrated with Indian mainstream.

It is to be mentioned that the idea of integration was popular among many national leaders of the time. Elwin himself admits, 'These ideas have been emphasized by a number of the country's leaders. He informs us the idea of Dr. Rajendra Prasad which reads:

'There can be, and should be, no idea or intention of forcing anything on them either by way of religion, language or even mode of living and customs. Even where we feel that the religion or the life that is offered is better than theirs, there is no justification for forcing it upon them against their will. My own idea is that facilities for education and for general improvement in their economic life should be provided for them and it should be left to them to choose whether they would like to be assimilated with, and absorbed by the surrounding society, or would like to maintain their own separate tribal existence. In India with its variety of life, there is enough room for the tribal people to carry on their separate social existence if they so desire...'

Obviously, assimilation was not in the agenda Constitution makers like Dr. B.R.Ambedkar, Jawaharlal Nehru and Dr.Rajendra Prasad. The idea of integration in fact was ingrained in Nehru's national agenda of development in which he did not want to impose any thing on tribes. AS Elwin maintains, Nehru's entire policy was determined 'to help the tribal people to grow according to their own genius and tradition... and not something that they cannot absorb or imbibe and which merely uproots them'. In view of this Nehru enunciated five important principles which characterized the essence of the policy of integration. The five principles, are included in the preface to the second edition of A Philosophy for NEFA. These are:

- People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
- Tribal rights in land and forests should be respected.
- We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
- We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.
- We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

These five principals are popularly called *tribal panchsheel*. Elwin in his book demonstrated how challenging the task before the anthropologist is. Integration involves creating a sense of desire among the tribals to get united with the Indian mainstream. This is a very problematic area because the Indian mainstream has not been defined properly. There are religious, linguistic, ethnic, political and regional factors which hinder such integration. These are all the primordial elements which come in the way of integration. Basic question that is it possible to integrate them fully remains. It was observed by some anthropologists that integration is taking place or can take place at different levels – at the level of materialism and idealism. According to K.S.Singh, in the Indian context, integration takes place more in material aspect than in ideational one. The integration as Ram Chandra Guha (1996) suggests have two aspects in Indian context, namely,

- Administrative/ Political, and
- Emotional.

He maintains,

‘The first aspect involves the general acceptance by the majority of people of a country of an administrative net-work covering every part of the country. Political

integration can be established and maintained by means of coercion as under colonial rule.

Emotional integration involves the acceptance of a common and consistent set of values, norms and attitudes by most, if not by all, sections of a country's population. The intensity of integration depends upon the extent of value consensus'.

The Integration approach is the best as it aims at the development of the tribals along with their integration with the national mainstream through this policy special attention is being given to primitive tribal groups, individual tribal families and to sectoral as well as integrated development. As you know, integration is not assimilation, as the former does not believe in total absorption in a different culture. Members of a group need not have to drop their culture and traditions to become a part of another culture or society. It believes in the process of incorporation of individuals from different groups into a society as equals. The latter, on the other hand refers to the process of adoption and the ways of another culture and fully become a part of that culture. By contrast integration suggests maintenance of cultural boundaries and believes in the ideal of equality.

Vidyarthi and Rai (1976/1985) inform us about the working of the tribal panchsheel for the tribals. They have simplified Nehru's policy for a workable plan. These are:

- i. We should not force tribals to do those things which they do not like
- ii. Tribal rights aim at saving tribals from exploitation which can be possible only by integrating them with their neighbouring people.
- iii. Only tribal officers may work in the area with some local bias, and in these conditions even experienced non tribal officers have proved themselves to be anthropological in their approach.
- iv. Tribal programmes should be simple.
- v. One has to serve the tribals in a dedicated spirit.

Vidyarthi and Rai (1976.1985) inform us about Dube's review of this policy. They state that Dube has reviewed the policy in the broader context of national unity and opined that in tribal India there is not one tribal culture but an admixture of so many tribal customs and traditions and "unity" is not at all there.

Therefore, the most desirable thing, as he suggested, was to work for the integration of the tribes in the regional and national settings according to their genius.

As Elwin writes in his *Philosophy for NEFA*, 'This policy is not unique'. Very similar ideas were expressed in America, Africa and in Borneo. He further writes, 'And I am sure that there has seldom, or never, been so sincere and energetic an attempt to implement the policy as has been made in NEFA'. Two things need critical attention. The first one is that the approach of integration through tribal panchsheel was formulated in his book as mentioned above. In other words, essentially it is based on the then NEFA condition or at best the

Northeast tribal condition. So the policy is not for the all the tribes in the country. This was the observation of Dube as we have mentioned above.

As you know assimilation approach was formulated on the basis of informed ethnography of tribes from central and western India and Himalayas. So it did not fit in the non-assimilationist reality of many Northeast tribes including the tribes of the then NEFA. Elwin was apprehensive, and he was right, that the cultures evolved among North-eastern tribes without assimilation with non-tribal communities would lose their essence. His protectionist stand with regard to social and cultural aspects is based on the idea he derived from the NEFA or the Northeast. Added to it was his observation of exploitation in tribal communities in other parts of the country through contact. However, as the situation of assimilation does not fit in NEFA situation, so also the tribal panchsheel based on NEFA condition does not capture the reality in other parts of the tribal areas particularly among Hinduised tribes. Its generalisation is limited by its contextual formulation.

The approach is not free from criticism. It is as much inadequate to cover the whole country as is assimilation approach. Elwin assigned a greater role, as has been discussed above, to anthropologists in the process of implementation of *tribal panchsheel*. At the core of these five principles is the purpose of tribal development. But development is not an area of anthropologists only. Economists play, and in fact played during that time also, a greater role in planning tribal development. No doubt scholars have criticised it on various grounds. Among the scholars who criticized the policy of integration was G.S. Ghurye. He opposed the policy of integration and said that it was a western model and was not applicable in Indian context. However, in spite of the criticism labelled against integration, it is celebrated as the guideline of State policy towards tribal development since independence.

Integration approach continued to prompt the political and administrative measures for the upliftment of the tribes. The Constitution makers insisted on safeguarding tribal rights and liberties. Reservation policies were made for them. They received a due share in the representative democratic bodies. Specific provisions were enshrined in the Constitution. India's concern for the tribal issues and problems is reflected in it.

The three approaches, namely isolationist, assimilationist and integrationist are policy perspectives with regard to tribal development. In addition there are specific issues and strategies which demand our attention. These specific issues have been discussed under the following approaches.

Human Rights Approach

In recent years, assurance of tribal rights has been crucial in government policies. You have already studied this point in PESA, 1996; FRA, 2006 and R & R Policy of 2007. Land right, forest rights, rights of self determination are focused in policy approach.

Tribal communities are no more self-reliant; they are integrated to the national development policy and development ideology. These communities have been exposed to market forces. Their resources are used for mega development projects which they exclusively used as their common property resources. Many rules and regulations are applicable to them that curtail their rights they used to enjoy within their cultural frame. Because of mega projects, the tribal people are displaced, or denied access to their common property resources. Any protest is brutally suppressed by state machinery. Many tribal people lose their lives as it happened in Kalinga Nagar in Odisha in 2006. Many tribal persons also lose their lives in police encounter as suspected insurgents or at the time of combing operation.

Development interventions grossly intervene in their traditional way of lives. Moreover, it causes deprivation, exclusion and marginalisation of tribal people. Therefore, many NGO activists and academics consider the situation of displacement, exclusion, poverty to which tribal people are pushed to in the process of development as violation of human rights.

Preservation of tribal culture experiences contradiction. On one hand there is a cry for preservation of tribal culture. On the other hand there are forces unleashed that would make the preservation efforts futile. For example, in recent years, language is linked to job market. While tribal people are concerned about the protection and preservation of their language, they educate their children in English language keeping in view the demand of the job market. These are two opposite forces and demand for job market is very powerful to prevail. The situation of contradiction is not favourable to preserve tribal language. That is why scholars in recent years study the tribes and development interface from human rights perspectives.

Planned Approach

The policy approach of integration reflects through five year plans. It includes various administrative approaches like (i) single line administration (ii) bifurcation of big states for control of administration and plan implementation. Planned approach also deals with special provisions for Particularly Vulnerable Tribal Groups. Primarily the approach focuses on formulation of tribal specific schemes and financial allocation to tribal areas to implement these schemes. You have studied in details various features of five year plans with regard to tribal development in Unit-II of this Paper.

In addition Vidyarthi and Rai have outlined the following approaches to tribal development.

i. Political Approach

The political approach for the tribal welfare may be understood in the context of the pre and post independence period. The colonial rule created “excluded” and “partly excluded” areas and gave separate political representation to the tribes. Nationalists opposed these measures as part of diabolic conspiracy to a new separatism. After independence, the constitution has given the tribals a number of safeguards by considering them to be the weaker section of the population. In the first instance a period of 10 years was given to achieve the goal, but as the

problem was too complicated to be solved through a single decade, it has persisted through decades.

ii. Administrative Approach

The administrative approach is closely followed by the political approach. This approach relates to administration of tribal areas under the provisions of Fifth and Sixth Schedules. The Government of India has vast administrative machinery for tribal welfare starting from the Centre to the State. At the State level, the governor has been made responsible and on his behalf the chief minister and welfare minister are in charge of the special schemes to be implemented in the tribal areas. In some major concentrated tribal areas, the State has an independent tribal welfare ministry.

ii. Religious Approach

The religious has been attempted by different religious agencies like Christian missionaries, the Ramakrishna Mission, the Arya Samaj and other local religious institutions which are engaged in the welfare works for the tribals. The Christian missionaries have been active in tribal India. For both types of work, spiritual and material, the missionaries did realize the importance of understanding the tribal culture and language. Missionary welfare activities have been viewed by different persons in different ways.

iii. Voluntary Agencies Approach

In recent decades the Government also sought the help of Voluntary Agencies for framing policies for tribal people and involved them in the implementation of the schemes for them.

Under the voluntary agencies approach social workers, social welfare agencies, social movement agencies, social reformers, etc., are working to uplift the weaker section of our society in their own ways. Voluntary social service organizations have done considerable humanitarian work in the tribal areas but their idealism and spirit of service have not been matched by their understanding of tribal organization, values and problems. However, the ideology of these agencies has often little to do with tribal culture and the problems. They hardly realise that their well- intended activities will do more harm than good in terms of their socio-cultural life.

iv. Anthropological Approach

Although Elwin's idea of 'National Park' came to be known as the 'anthropological approach' to tribal development, the anthropologists believe in the ultimate integration of the tribal people in the main stream of Indian national life. All development interventions among the tribes and in the tribal areas, the anthropologists hold should proceed along the ethical and cultural foundations of the people. In no way can we claim superiority over them. Approach

to tribal development from a 'dominant reformist' bias rather than from a cross-culturally scientific perspective, anthropologist would argue, would no doubt be counterproductive.

After independence, some anthropologists came out with several papers and addresses, dealing with the importance of applied anthropology in tribal welfare programmes. Several tribal research institutes are engaged in conducting research on Scheduled Castes and Scheduled Tribes. Besides, many university departments in the country undertake research on them.

Check Your Progress-III

Answer the following questions in one word or sentence

1. On which date denotified nomadic and semi-nomadic tribes celebrate their Independence Day? Why?
2. What do you mean by National Park concept in case of tribal policy?
3. Which Act gave the policy of isolation a legal status?
4. Mention two grounds of criticism labelled against the policy of isolation.
5. Is social workers approach an etic or emic approach? Justify.
6. What was the objection of Nehru to the policy of assimilation?
7. What is the essence of tribal *panchsheel*?
8. What is the argument at the core of the approach of assimilation?
9. Why did G. S. Ghurye criticize the policy of integration?

1.4 Let us sum up

After going through this Unit have learn that

- Tribal development is not a distinct concept. Ordinarily it means development of the tribes through national development agendas.
- As development means (i) progression towards higher consumption and (ii) a better quality of life, tribal development practically refers to government's efforts to provide opportunities and enlarge choices for tribes to achieve the above.
- Tribal development focuses on both economic achievement and cultural safeguards; development through culture.
- Tribes are heterogeneous communities. But tribal development does not present a picture of heterogeneity as it is not tribe specific. Development presents a picture of interaction and integration with national development policies and programmes.
- During pre-colonial period the State did not interfere with tribal affairs. Tribes were more or less self-sufficient and self-governing communities.
- There were very few tribal kingdoms or tribal rulers of the outposts of a kingdom, but their socio-cultural and economic life was governed by traditional norms.
- During colonial period various Acts like Permanent Settlement, 1793, Criminal Tribes Act, 1871, Land Acquisition Act, 1894 and various forest acts intervened in tribal affairs affecting traditional life ways, though in principle the British followed

the policy of non-interference. But these acts restricted their traditional rights to livelihood and alienated their lands.

- Tribal areas were not directly administered. Their areas were designated as ‘backward tracts’, and later as ‘excluded’ and ‘partially excluded’ areas.
- In post-colonial period, i.e. in independent India the government strived to correct wrongs done to the tribes during colonial period and social injustice done to them in Indian social hierarchy.
- The government of free India repealed Criminal Tribes Act, 1871 and gradually replaced colonial policies through amendment of acts and introduction of new acts. Acts were enacted to abolish social evils like the practice of bonded labour, untouchability, exploitation, etc. Acts were also enacted to prevent land alienation of the tribals.
- Tribes enjoy constitutional safeguards for their uplift. The Constitution has outlined the provisions within the framework of positive discrimination and affirmative action.
- Tribal development is based on the principle of discriminatory compensation.
- There are purely tribal friendly acts like PESA, 1996 and FRA, 2006. These acts aim at ensuring tribal self-governance, protecting their traditional rights, preventing the incidence of land alienation and abolishing the practice of exploitation through indebtedness.
- There were debates on how to approach tribal development. Three main policy approaches, namely policy of isolation, policy of assimilation and policy of integration were suggested for tribal development.
- The approach of isolation was a product of colonial policy but it was pioneered by Verrier Elwin in 1930s. A.V.Thakkar, G.S.Ghurye and other national leaders along with a few anthropologists were champions of assimilation approach. They were influenced by the spirit of nation building.
- In independent India approach of integration is adopted. This approach is incorporated in five principles enunciated by Nehru. These principles are also called *tribal panchsheel*. Verrier Elwin is also credited for this approach.
- Other approaches adopted for tribal development are *human rights* approach, *planned* approach, *political* approach, *administrative* approach, *voluntary agency* approach, *religious* approach etc. These approaches are governmental and non-governmental. These are primarily implementation strategies in operation.

1.5 Keywords

Damin-in-koh

a Persian word meaning the skirts of the hills, was the name given to a forested and hilly area of Rajmahal Hills.

Eminent domain:

the right of the government or its agency to expropriate private property for public use with payment of compensation; believes in the principle that public interest is superior to individual interest.

Gm land:	uncultivated “waste” and jungle land under common property resources in Jharkhand referred to as <i>gairmazrua khas</i> or gm land.
Gross domestic product (GDP):	total money value of all the final goods and services produced in a period of time by all the people and companies in the country.
Inter alia:	among other things.
Khuntkhatii:	a traditional institution of land ownership among all the families of the same clan of the Mundas who cleared the forest and made the land cultivable.
Manki:	a traditional administrative system among some tribes in Jharkhand. Among the Hos it refers to a cluster of villages like <i>Bango</i> of the Adis. Manki also refers to the head of the <i>patti</i> which is a group of villages in <i>khuntkhatii</i> area of the Mundas.
<i>Per capita income definition:</i>	average income earned per person in a country in a year; it is calculated by dividing the total <i>income</i> of the country in a year by the number of people in it.
Social capital:	mutual trust and cooperation among members of society to achieve common goal.
Social Cohesion:	a cohesive society displaying characteristics of social inclusion, social capital and social mobility; a cohesive society works toward the well being of all its members through inclusion; creates a sense of belonging, promotes trust and provides its members opportunity for upward mobility.
Social inclusion:	process by which poor, marginalised and weaker sections take advantage of rising global opportunities.

1.6 Probable Questions

Short Answer Questions

1. What do you mean by the idea development? Explain.
2. Mention three objectives of development as outlined by M.P.Todaro.

3. Does development mean economic betterment? Justify your answer.
4. Write a brief note on tribal participation in state formation.
5. Do you think the British followed the policy of isolation? Discuss with reference to various colonial Acts.
6. Distinguish between 'excluded' and 'partially excluded' areas.
7. Do you think colonial policies are responsible for criminal activities of some people and communities? Justify your answer with suitable examples.
8. Discuss the provisions of Criminal Tribes Act.
9. What are the main provisions of Land Acquisition Act, 1913?
10. Examine the consequences of Permanent Settlement Act, 1793 on tribal society.
11. Why was not general forest policy of independent India tribe friendly? Examine.
12. Why was it necessary to formulate Resettlement and Rehabilitation Policy? Discuss the objectives of R & R Act, 2007.
13. Do you think PESA, 1996 and FRA, 2006 are helpful to tribes? Why?
14. Write a short note on the approach to PVTG development.
15. What do you mean by the concept eminent domain? Name a few acts in free India which perpetuated the principle of eminent domain?
16. Why were national leaders concerned about tribal people at the time of independence?
17. What is National Parks approach? Discuss its provisions.
18. On what ground Elwin tried to defend his isolationist approach? Describe.
19. Discuss M.N.Srinivas's stand against the approach of isolation.
20. What do you mean by emotional and political integration?
21. What is *tribal panchsheel*? Mention.
22. On what ground Ghurye criticised isolationist approach of Elwin? Discuss.

Long Answer Questions

1. What is development? What is tribal development? Discuss tribal development with reference to *development as freedom*.
2. Who were the people who resorted to crime? Why? What was the impact Criminal Tribes Act on the so called criminal tribes?
3. Write a note on the conflict between the Paharias and the Santals. Do you think colonial policy is responsible for it? Give reasons to your answer.
4. Critically examine the impact of forest policy during colonial and post colonial India on tribes and other traditional forest dwellers.
5. What were the measures taken in Independent India to prevent land alienation and exploitation of the tribes? Make a critical assessment.
6. Discuss the problems of displacement. What was the status of resettlement and rehabilitation before enactment of R & R Policy, 2007? Make a critical assessment with suitable examples.
7. Critically evaluate colonial land and forest policies and their impact on tribal society.
8. Critically examine isolation approach to tribal development.
9. Compare and contrast between isolation and assimilation approaches to tribal development? Why were both discarded in independent India?
10. Critically examine integration approach to tribal development? Do you think it is superior to isolation and assimilation approaches? Why?
11. Assimilation is a part and parcel of tribal culture in India. Critically examine the statement with suitable examples.
12. Assimilation approach was an opposite alternative of isolation approach. Do you agree? Critically examine A.V.Thakkar's argument in favour of tribal assimilation.

13. Critically examine Elwin's argument in support of *tribal panchsheel*?
14. Write short notes on i. Administrative approach, ii. Political approach, (iii) Human rights approach and (iv) Planned approach to tribal development.
15. Discuss critically the journey of Elwin from isolationist approach to integrationist approach through protectionist stand.

a. Answers to Check Your Progress

Check Your Progress-I

1. No, tribal development is not tribe specific.
2. Amartya Sen
3. Nation
4. Political freedoms, economic facilities, social opportunities, transparency guarantees, and protective security
5. GDP means gross domestic product. It is calculated as total money value of all the final goods and services produced in a period of time by all the people and companies in the country.
6. People
7. Development is the sustained elevation of an entire society and social system towards higher level of consumption and better quality of human life.

Check Your Progress-II

- | | | | | |
|-----------|----------|----------|----------|----------|
| 1. False | 2. True | 3. False | 4. True | 5. False |
| 6. True | 7. False | 8. False | 9. False | 10. True |
| 11. False | 12. True | | | |

Check Your Progress- III

1. 31st August. On this date of 1952 the Criminal Tribes Act was repealed.
2. Protected areas to keep the tribals separated.
3. The Government of India Act 1935.
4. (i) to earn revenue within the protected area land
(ii) to create separatist tendency and division between tribals and non-tribals.
5. Etc. Social workers are normally outside the culture of a tribe.
6. Imitation of the tribals to the wider culture and losing own cultural richness
7. Policy of integration.
8. Tribal culture is adaptive to changes
9. Because it was a western concept.

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UNIT-II

FIVE YEAR PLANS AND TRIBAL DEVELOPMENT PROGRAMMES

Structure

- 2.1 Learning Objectives**
- 2.2 Introduction**
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 - 2.5.6 Hills Area and Border Area Development Programmes**
- 2.6 Let us sum up**
- 2.7 Keywords**
- 2.8 Probable Questions**
- 2.9 Answers to Check Your Progress**
- 2.10 Further Reading**

2.1 Learning Objectives

After going through this Unit, you will be able to

- understand approaches and programmes of five year plans for tribal development;
- develop an insight to appreciate tribal development during plan periods in conformity with special constitutional provisions and safeguards provided for the tribes in the Constitution of India;
- list five year plans and the focused area in each of the plan;
- compare focused areas of tribal and general development in each five year plan;
- explain evolution of plan programmes for tribes;
- distinguish between the nature of planning in tribal states and other states with tribal areas;
- describe tribal sub-plan strategy and its objectives;
- explain the approach to the development of PVTGs (Particularly Vulnerable Tribal Groups) among the Scheduled Tribes; and

- understand the approach to tribal development as process of integration;

2.2 Introduction

At the time of Independence, tribes of India constituted an important segment of Indian society. Many of them participated in the freedom struggle to make the country free from the colonial rule. So their development could not be envisioned separate from the national development. As you know national development was approached through economic planning. That is why India embarked upon five year plans for a rapid and progressive development by reducing poverty and enlarging opportunities for social and economic justice.

But tribes at the time of Independence displayed characteristics of socio-economic backwardness and therefore called for special attention so that they could not only come out of the trap of backwardness, but also keep up with development space of the nation.

Therefore, five year plans did not apply the strategy of development for the tribes which they formulated for the nation as a whole. In this unit you will learn plan programmes, schemes and strategies adopted in five year plans for tribal development.

2.3 Five Year Plans-An Overview

Post-independent India embarked upon Five Year Plans for a rapid socio-economic development. Five Year Plans were formulated by the Planning Commission of India. The basic idea was to plan public spending effectively to ensure equitable growth rather than leaving it to uncontrolled market forces. The logic was to prioritise areas/sectors for quick development which would lead to and supplement development of other areas/sector. That is why during First Five Year Plan agricultural development was the priority.

Five Year Plans were centralised economic and social growth programmes. In Five Year Planning model economic primacy in development was adopted. Top-down approach was its functional strategy.

Joseph Stalin the President of the erstwhile USSR introduced Five Year Plans for the first time in 1920s.

But the era of Five Year Plans ended with Twelfth Five Year Plan (2012-2017). As you know, Five Year Plans were formulated by the Planning Commission of India. It was set up on 15th March, 1950. The NITI AYOOG (National Institution for Transforming India) replaced it. The Ayog was formed on 17th August, 2014 but practically started functioning from 1st April, 2017 after the end of Twelfth Five Year Plan on 31st March, 2017. However, it was given an extension of six months.

NITI Ayog is a body that only gives policy direction without any financial power. It is an advisory body. It cannot make any decision on behalf of a state like the Planning Commission. It has been established with the aim to achieve sustainable development goals, enhance cooperative federalism and involve State Governments of India in the policy making process by adopting bottom-up approach. Therefore, the Ayog prepares road map, vision

document, strategy and action plans. It began with a three year action plan from 1st April, 2017. This action plan is a part of 07 year strategy and a 15 year vision document.

Now you are clear that we shall discuss tribal development during five year plans till the Twelfth Five Year Plan, the last five year plan in the country.

Five Year Plans and Plan Objectives

Five Year Plans have been introduced with types of two objectives. One is the long term objectives and the second one is short term objectives. Long term objectives tell us what our nation wants to become in the economic field. Short term objectives focus on the immediate problem without sacrificing the long term goals. Every plan almost has an immediate objective to realise during the plan period. For instance, the First Plan (1951-56) stressed agricultural development, control of inflation and rehabilitation of refugees. The Second Plan (1956- 61) aimed at rapid industrial growth—especially basic and heavy industries. The Third Plan (1961- 66) emphasised an expansion of basic industries but shifted to defence. The following table shows short term objectives of each five year plan.

Short term objectives of Five Year Plans

Plans	Period	Focus Area
First Five Year Plan	1951-56	<ul style="list-style-type: none"> • Agriculture, irrigation and power projects for self reliance on food production
Second Five Year Plan	1956-61	<ul style="list-style-type: none"> • Industrialisation: promotion of basic and key industries to solve the problem of employment and inequality
Third Five Year Plan	1961-66	<ul style="list-style-type: none"> • Self reliance on industry and agriculture • promotion of economic development in backward areas
Fourth Five Year Plan	1969-74	<ul style="list-style-type: none"> • Garib Hatao • Growth with stability and progressive achievement of self reliance in agriculture and industry
Fifth Five Year Plan	1974-78	<ul style="list-style-type: none"> • Agriculture (priority) • Industry
Sixth Five Year Plan	1980-85	<ul style="list-style-type: none"> • Poverty eradication_ improvement of standard of living reduction of regional disparities • Technological self reliance
Seventh Five Year Plan	1985-90	<ul style="list-style-type: none"> • Priority to Private Sector • Self sufficient economy, opportunities for productive employment cloth, shelter

Eighth Five Year Plan	1992-97	<ul style="list-style-type: none"> • Development of the human resources i.e. employment, education, and public health
Ninth Five Year Plan	1997-2002	<ul style="list-style-type: none"> • Growth with justice and Equality
Tenth Five Year Plan	2002-2007	<ul style="list-style-type: none"> • Reduction of poverty- ratio, regional discrepancies of financial market; Economic growth-(increasing per capita income)
Eleventh Five Year Plan	2007-2012	<ul style="list-style-type: none"> • Faster and more inclusive growth by empowering women and other weaker sections of the society and improving quality of life of citizens
Twelfth Five Year Plan	2012-2017	<ul style="list-style-type: none"> • Faster and more inclusive and sustainable growth with focus on export promotion

Long term objectives are not changeable in every five year plan. But with passage of time new needs arise. Then new objectives are included to be realised through plan programmes. Among various objectives the following five are very important:

Economic Growth: During colonial rule India economy was a backward economy characterised by poverty its per capita income was low. Capital formation and rate of savings were also low. Planning is an effective way of bringing about a rapid economic development in all sectors. Among various sectors of the economy key sectors at that time were considered agriculture, industry, power and transport.

Economic Equity and Social Justice: When people are poor they do not have access to basic needs. Poverty also indicates unequal distribution of wealth. At the time of independence most of our people were poor and very few were rich. Wealth was concentrated at fewer hands. In a capitalist framework the inequality emerges and sustains. Five year plan is a socialistic way of economic planning. It was believed to ensure equal distribution of wealth which is nothing but ensuring equity and social justice. Social justice through Five Year Plans means reduction of poverty and reduction in income inequality.

Full Employment: Unemployment is an indicator of economic backwardness. Removal of it is another important objective of India's Five Year Plans. Priority in agricultural or industrial section also aimed at increasing employment. In the Sixth Five year Plan (1978-83), during Janata Government employment was primary focus for the first time. In rural area you must have hear of employment assurance scheme, food for work, Jawahar Rojagar Yojona. These were meant to augment rural employment.

Economic Self-Reliance: Self-reliance means self-sufficiency in acquiring basic national needs without external assistance. In national context, it means zero foreign aid. India is typically a dependent economy. She is used to importing a huge quantity of food-grains, fertiliser, raw materials and industrial machinery and equipment. Huge import drains out foreign exchange reserves. Hence economic self-reliance is an important national goal to be achieved through Five Year Plans. Therefore, Fourth Plan (1967-73) aimed at the elimination of import of food-grains to check drainage of foreign exchange reserves.

However, the basic aim of the Fifth Plan was the attainment of self-reliance. The plan emphasised on an increasing production of food-grains, necessary consumption goods, raw materials and exports. The Plan also emphasised the need for establishing import-substitute industries as an important requisite for economic self-reliance.

Modernisation: This objective was not a thrust area at the beginning of planning era. The objective of modernisation was categorically mentioned for the first time in the Sixth Plan. Modernisation means a shift from feudal and colonial type of economy through structural and institutional changes in the existing economic activities. Modernisation aims at changing the feudal and colonial structure to a progressive and modern economy in the line of the global economy. The main focus of modernisation is on technological advancement, setting up of variety of industries, introduction of employment generation activities, etc.

The overview of five year plans presented above will help you to learn and compare tribal development during plan periods within general plan perspectives. In other words, you will understand special treatment to STs as per constitutional provisions and safeguards which you have read in Unit-I of this paper

As you know the First Five Year Plan commenced in 1951 and the last, the Twelfth Five Year Plan ended in 2017. In total 12 five year plans covered a period of 60 years. As it began from 1951, the Twelfth Five Year Plan should have ended in 2011 instead of 2017. Why this difference?

As you know planning has an immediate objective. Sometimes such immediacy calls for urgent attention. Moreover, change in government perspective also changes planning strategy which you have learnt from the establishment of NITI Ayog in place of the Planning Commission. To attend to immediate problems annual planning is preferred. So we have a number of Annual Plans during war crisis or economic crisis. When the Janata Party came to power in 1977 it introduced Rolling Plan between 1978 and 1980 by one year before the completion of the Fifth Five Year Plan. So, the Fifth Five Year Plan was four years duration. But the Rolling Plan was again rejected by the Indian National Congress when it came to power in 1980 and a new Sixth Plan (1980-1985) was made.

First time annual plans were made after the Third Five Year Plan from 1966 to 1969. Due to the Chinese aggression in 1962 and the Indo-Pakistan war in 1965, the Third Five Year Plan couldn't achieve its targeted growth. The economy was not strong enough to launch Fourth Five Year Plan. So before it three annual plans were made and the Fourth Five Year Plan began three years later.

After seventh Five year Plan, economic situation in the country was not conducive for a five year plan. There was also a volatile situation at the centre. So the Eighth Five Plan could not take place following the completion of the seventh Five Year Plan. So, two annual plan programmes were formulated in 1990-91 & 1991-92. The Eighth Five Year Plan began from 1992, two years later. So seven years under annual and rolling plans and termination of one year made a total six years outside five year plans.

As national was undergoing crisis no specific programmes were launched during annual plans for the tribes. However, previous plan programmes and schemes continued.

Check Your Progress-I

Fill in the blanks selecting correct answer from the brackets

1. ----- formulates Five Year Plans in India. (NITI Ayog/ The Planning Commission)
2. In total India launched ----- Five Year Plans so far.(12/13)
3. Earlier plan programmes were----- in nature. (ad hoc/regular)
4. India adopted New Economic Policy from --- Five Year Plans. (Fifth/Eighth)
5. An action plan, a 5/7 year strategy and a vision of 15 years or more are components of ---- .(NITI Ayog/ The Planning Commission)
6. Indian Five year Plans adopted----- approach. (top-down/bottom up)

2.4 Five Year Plans and Tribal Development

Five Year Plans are meant for rapid socio-economic development of the country. Tribes who display distinct characteristics needed special treatment. You will learn from the following discussion how their development was envisaged and programmes implemented within the mode of Five Year Plans.

2.4.1 Nature and Scope of Tribal Development

You have acquainted yourself from previous lessons that the British followed the ‘policy of isolation’ under the plea of protecting tribal culture and their life ways. But actually they found tribes resisting the foreign rule and difficult to subdue. They compared the cost of bringing them under colonial administration and the benefit they would receive in return. So, the colonial administration adopted a policy of minimal administration of the tribal areas under a single line administration. Naturally, they did not have any policy of planned development. Arguably, a planned approach to tribal development was overdue.

Though the British adopted a policy of minimal intervention, still the tribes were affected badly during the colonial rule. The British enacted Criminal Tribes Acts, Forest Acts, Land Acquisition Act, etc., which you will study in succeeding chapters. These Acts were directly responsible for tribal deprivation and poverty to a greater extent.

Not only tribes, but larger section of Indian population was poor. No doubt, at the time of Independence the major problem of India was large scale poverty together with social and economic inequality. All these characteristics were particularly present in tribal society. So it became a pious commitment of the government of Independent India to reduce poverty and ensure social and economic justice among all its citizens consisting of various social groups including the tribes. Tribes were not considered to be left alone as was done during colonial rule, for tribes are as much a part of India as other social categories. So, it was a challenge before the government of free India to work for general development and for the development of the tribes to bring them at par upper classes of the society.

You have already studied constitutional provisions and safeguards of tribal interest in Unit-I of this Paper. You have also learnt that these provisions were meant for tribal development following the principle of positive discrimination and affirmative action. That is why Art. 46 of the Constitution directs the State to promote the educational and economic interest of the weaker sections of the, and, in particular, of the Scheduled Castes and Scheduled Tribes with special care and to protect them from social injustice and all forms of 'exploitation'. To fulfil development aspirations of the STs and the SCs, Article 275 of the constitution provides for grants-in-aid from consolidated fund of India to states for implementation of developmental programmes.

It was also recognised that tribes have their own cultural moorings, livelihood strategy and skill endowment. A gap was apparent between tribal tradition and requirements of national development. The gap was the result of British policy of keeping tribals away from general administration. Because of this gap it was realised that equal treatment to tribes and others would not be helpful to the tribes to achieve the objectives of social and economic justice. So their development was envisioned in a progressive process of integration, a perspective of development through culture. You will learn in Unit-III of this Paper what integration approach to tribal development means. But you will learn in this Unit that the approach adopted during Fourth Five Year Plan to develop the area in its totality and launching of sub-plans in the Fifth Five Year Plan are strategies of integration policy within the regional and national model of development.

There were other issues which called for serious attention while envisioning the approach to be adopted for tribal development. The important among them was tribal habitation. Tribal population is predominant in some states like Arunachal Pradesh, Nagaland, etc. These states are tribal states. But there are states in which tribal population forms a part of the total population. In these two types of tribal habitation the nature of tribal population was different. According to the Report of the Commissioner of the Scheduled Castes and Scheduled Tribes (1986-87), 'problem of exploitation and deprivation, which is plaguing the other areas, is largely absent. Here the problem is in regard to developmental efforts'. Therefore, you will read that when the Tribal Sub-Plan was introduced during the Fifth Five Year Plan, it was not meant to cover states like Arunachal Pradesh, Mizoram, Meghalaya, etc. The same Report has also mention this. 'The T.S.P (Tribal Sub-Plan) does not cover tribal majority states and Union territories of Meghalaya, Mizoram, Nagaland, Arunachal Pradesh, Dadra and Nagar Haveli, Lakshadweep as their respective plans are primarily meant for majority tribal population'. The important point to note is that at the beginning of the five year plans different needs of tribals on the basis of habitation in different states were recognised.

All these issues relating to tribal development were considered while formulating five year plans.

A number of programmes and projects have been introduced for tribal development in different five year plans. Some of them include Community Development Programme, Multipurpose Tribal Blocks, Tribal Development Block, Special Multi-Purpose Tribal Development Blocks, Tribal Development Agencies, and Conservation-cum-Development (CCD) Scheme for PVTGs Integrated Tribal Development Projects, Modified Area Development Approach, Tribal Sub-Plan, Dispersed Tribal Development Programme, and Centrally Sponsored Schemes and many others. Centrally sponsored schemes are applicable

to all the tribes. CCD approach is exclusively meant for Particularly Vulnerable Tribal Groups. Other programmes are meant for states with tribal areas.

Planning is a dynamic concept. It takes into consideration of emerging issues in the process and addresses these issues in the process itself. It was noticed that approach to tribal development during early plan periods could not achieve the goals of socio-economic justice. The Dhebar Commission (1960-61) stated that there are some communities within STs with comparatively very low development indices. The Shilu Ao Committee constituted by the Planning Commission in 1969 observed the same trend. It stated that the impact of planned 'change and development' has not been uniform on all the tribal communities. Within the Scheduled Tribes, conditions of some of the communities have not improved. They remained extremely backward and some of them continued to be in the primitive food gathering stage. These communities were categorised as Particularly Vulnerable Tribal Groups during Fourth Five Year Plan and special programmes have been planned and launched for their development.

The First Five-Year Plan, launched in 1951, recognised that communities which suffered handicaps and disabilities needed special attention. A specific sector --'Backward Classes' -- was included to cater to the needs of the Scheduled Tribes (ST), Scheduled Castes (SC) and other Backward Classes (BC). The Plan Document explained: "It is essential that the general development programmes should be so designed as to cater adequately to the BC and the special provisions....should be used...for securing additional and more intensified development".

As you know there are twelve five year plans. The first four five year plans focused on development programmes and schemes through different projects and creation of administrative structure. This period can be designated as introduction to planned development. But after Fourth Five Year Plan there was a policy shift with the introduction of Tribal Sub-Plan during Fifth Five Year Plan. During Eighth Five year Plan New Economic Policy was introduced and tribal programmes were considered in the line the new policy perspectives. For example the focused area during Eighth Five Year Plan was development of the human resources, i.e. employment, education, and public health. The same thrust was given for the tribal development. So during five year plans tribal development passed through Formative Stage, Constructive Stage and Critically Integrated Stage.

Formative Stage: The first stage covers four five year plans. During this stage tribes were introduced to formal and sectoral development forces u plan programmes. This is also true for tribal states like Arunachal Pradesh as during the First Five Year Plan only activities in four sectors namely, Agriculture and Allied services, Industry and Mineral Transport and Social and Community Services were taken up Activities under sectors like Energy, Scientific Services and Research were not taken up. In succeeding plans new sectoral activities were added. For example during Second Five Year Plan two new sectoral activities namely Rural Development and Economic Services were introduced. At the end of Fourth Five Year Plan a total of nine sectoral activities were introduced out of 11 sectors in general plan programmes.

That the earlier plans meant to introduce the tribes to the development process through an administrative structure is clear in the context of Arunachal Pradesh. M.C.Behera (1994) writes, at the outset the act of development programme was exclusively aimed at penetrating with administrative net work into Arunachal Pradesh. The first concern of the Government of India was to cover the entire territory administratively.

Too much of activities were not introduced as is evident in tribal panchsheel which you will read in Unit-III. The government did not want to overwhelm the tribes with multiplicity of schemes. At the same time the development process aimed at creating workforce from among the tribals to undertake their development works by themselves. In this context Nehru's caution is worth mentioning. He says, 'It is obvious that these areas have to progress. But it is equally obvious that they have to progress in their own way...It is not an easy problem. We have to find a middle course. And that can only succeed if the people are in harmony with it and cooperate with it and there is no element of compulsion about it. That approach also has ultimately to be applied to their own people'.

Constructive Stage: After acquainting the people with the process of development and understanding their problems it was felt necessary to introduce a comprehensive development strategy. It is for your understanding that the measures and plan programmes adopted during four five year plan period were meant for creating a pre-condition phase to be succeeded by the preparatory stage of the development. Behera (1994) informs that during the formative stage or the stage of creating preconditions fundamental changes in the social, political and economic fields were initiated. The approach happens to be ad hoc in nature, rather than implementation of regular long term programmes. The objectives of first four plan period are summed up by Behera (1994) as follows:

- i. to generate external economies through selective investment to perpetuate and propel further the economic development;
- ii. to improve economic conditions of the people as a pre-requisite for seeking peoples; to identify various socio-economic problems; and to develop human resource as a measure to meet the shortage of workforces in carrying our economic activities.

In view of a major breakthrough took place with the introduction of tribal sub-plan for preparing micro plans for relatively vulnerable tribal groups requiring special attention. Obviously, there was a policy shift. Sub-plan policy is an area development approach which is intended to cater to the special needs of the tribes. It put much emphasis on all round development of tribals. In addition to economic integration it also aimed to achieve social and cultural integration of tribals with the rest of the society. The stage is constructive because it approaches tribal development through tribal participation, as earlier development programmes have created, though in a small scale, tribal workforce from among them.

You will study details on tribal sub-plan in this unit. It is for your information that tribal sub-plan was not meant for tribal states like Arunachal Pradesh, Mizoram, etc. However, in general, ad hoc nature of the approach to planning was replaced by a regular one because, by the nature of problems was clearly identified and people's aspirations understood. The approach to planning became more systematic and comprehensive. This is evident as there was a policy shift during Fifth Five Year Plan with the introduction of Tribal Sub-Plan. In Arunachal Pradesh also investments were made on new sectors to create more external

economies. During Fifth Five Year Plan activities in 10 sectors and during Sixth Five Year Plan activities in all the 11 sectors were undertaken.

Critical Integrated Stage: In economic terms the preparatory stage leads to take off stage. But you know that the tribal development policy is integrationist in nature. The preparatory or the constructive stage with area development approach introduced the process of integration. So this stage leads to a critical integration stage for the tribes which in the context of national development can be designated as the take off stage.

As you are informed, India adopted New Economic Policy from Eighth Plan period. In the new economic policy the process of liberalisation, privatisation and globalisation played crucial role. One of the important characteristics of this policy is people's participation for sustainable and inclusive development. Strategies of empowerment and decentralisation have been adopted in the new policy of national development. Obviously, objectives of tribal development have been restructured accordingly within the planning frame introduced in tribal areas. This is not a problem for tribal states like Arunachal Pradesh as general plan programmes are in operation with specific concessions applicable to tribal people.

Though tribal development through plan programmes have been organised under three stages, its overall aim remains the same. In Five Year Plans, the programmes were mainly meant for poverty reduction and ensuring social justice by preventing exploitation. B.S. Vasudeva Rao (2005) outlines the main aims of tribal development programmes as follows:

- i. Raising the productivity levels in agriculture, animal husbandry, forestry, cottage and small-scale industries etc., to improve the economic conditions;
- ii. Rehabilitation of the bonded labour;
- iii. Education and training programmes; and
- iv. Special development programmes for women and children.

Table-1 and Table-2 below present plan-wise focused area and allocation of outlays for tribal development in the country.

Plan Strategies/Focused Areas during Five Year Plans

<i>Plan</i>	<i>Period</i>	<i>Focused Area/Strategies</i>
First Five Year Plan	1951-56	Community Development Programmes
Second Five Year Plan	1956-61	Special Multi-Purpose Tribal Blocks
Third Five Year Plan	1961-66	Tribal Development Blocks
Fourth Five Year Plan	1969-74	Administrative frame, programme implementation and protective measures (Tribal Development Agencies (TDA)).
Fifth Five Year Plan	1974-78	Total and Comprehensive view of the tribal problems and coordination of sectoral programmes (Tribal sub-plan and creation of LAMPs)
Sixth Five Year Plan	1980-85	Integrated approach and large financial allocation (expansion of TSP).
Seventh Five Year Plan	1985-90	beneficiary oriented programme and infrastructural development (intensive Tribal Development)
Eighth Five Year Plan	1992-97	A frontal attack on poverty, illiteracy, ignorance, organise state level tribal development cooperative

		corporations.
Ninth Five Year Plan	1997-2002	Women and Child Development Programmes, Improvement of living standard, education, health care and skill upgradation of the tribal people without any gender bias
Tenth Five Year Plan	2002-2007	Programmes for the Promotion of higher Education.
Eleventh Five Year Plan	2007-2012	Inclusive Growth Approach and empowerment
Twelfth Five Year Plan	2012-2017	<i>Inclusive growth and empowerment</i>

Computed from various sources

Table-2: Plan-wise Fund Allocation for Tribal Development

Plan Period	Total Fund Allotted	Allocation for Tribal Development Programmes	%
1st plan (1951-56)	2069.00	13.93	0.06
2nd plan (1956-57)	4800.00	49.92	1.08
3rd plan (1961-66)	7500.00	50.53	0.60
4th plan (1969-74)	15901.47	79.5	0.5
5th plan (1974-79)	38853.24	1157.67	3.0
6th plan (1980-85)	97500.00	3640.25	3.7
7th plan (1985-90)	180000.00	6744.85	3.8
8th plan (1992-97)	434100.00	22409.65	5.2
9th (1997-2002)	859200.00	32087.26	3.7
10th plan (2002-07)	1618460.00	1481.00	0.09
11th Plan (2007-2012)*	3644718.00	3633.00	0.09
12th Plan (2013-17)		35,68,626.00	

Computed from various sources

You will find that plan outlay allocation does not conform to population size. Tribal population constitutes more than 8 per cent of total population as per census records of 2001 and 2011. But from 2001 to 2017 allocation for tribal development programmes been less than one per cent in two plan periods and 3.7 in one plan period. This means tribal development still needs serious attention.

Check Your Progress –II

Answer the following questions in a word or a sentence

1. When did India launch its First Five year Plan?
2. How many Five Year Plans we have so far?
3. Which Five Year Plan is the last Five year Plan?
4. Does Tribal Sub-Plan cover all the tribal areas of all the States in India?
5. Which Five Year Plan is marked by a shift in policy towards tribal development?

2.4.2 First to Fourth Five Year Plans

The first four Five Year Plans are grouped as Formative Period of tribal development. In this section you will learn the characteristics of the period and individual plans.

First Five Year Plan

The First Five Year Plan began in 1951 and continued till 1956. This plan placed emphasis on the schemes of food security, health, education, communications agro based industries and social welfare including housing. The plan outlay was of the order of Rs. 2,356 crores out of which a lump sum provision of Rs. 39 crores was made for the various schemes 'for the Backward classes including scheduled tribes, scheduled castes, ex criminal tribes and other backward classes. During this Plan the expenditure on tribals was 17.47 crores out of the total expenditure of Rs.1960 crores, while the tribal population was 2.25 crores out of the total population; the percentage expenditure on the development of tribals was only 0.83% of the total as against the tribal population which was 6.61 percent of the total population.

During the First Five Year Plan, Government of India had laid the foundation stone for the socialistic pattern of society. The objective was to bring about the overall change of the tribes and tribal areas through Community Development Programmes (CDP). During this policy tribals were encouraged to develop along the line of their own genius. In other words they were encouraged to modernise themselves without sacrificing their own culture. Steps were also taken to meet the special needs of tribal people with respect to their culture, traditions, social and psychological problems. Voluntary organizations were also encouraged to work in tribal areas. The welfare measures were primarily meant to eradicate poverty, spread education and provide health benefits.

As you know in states like Arunachal Pradesh general plan programmes were introduced. Following the guide lines of tribal panchsheel, number of sectoral activities and schemes were few. In fact activities under four sectors namely Agriculture and Allied services, Industry and Mineral, Transport Social and Community Services were undertaken. Under these four sectors the outlay allotted accounted for Rs.300.0 lakhs out of which Rs.201.22 lakhs were spent. This constituted 67.1 per cent of the total outlay. The main objective was to create infrastructure and acquaint people with development and modernisation. That is why out of RS 300.0 lakhs, Rs 52 laks were allotted to Agriculture and Allied Services, only RS 6.19 lakhs to Industry and Mineral, Rs.135.0 lakhs to Transport and Rs. 106.81 lakhs to Social and Community Services. Education was included in it. Unfortunately, Rs.70.00 lakhs in Transport Sector and Rs.65.13 Social and Community Services Sector were spent. This shows how during First Five Year Plan the government tried to lay the foundation for future accelerated development.

Second Five Year Plan

The Second Five Year Plan was initiated in 1956. During this Plan made the provision of Rs. 91 crores were provided for all Backward Classes out of which the Scheduled tribes were allocated Rs. 48.33 crores. In this plan the emphasis was shifted to economic development. Agriculture, cottage industries and forest co-operatives were major areas which were given

due importance. During this plan steps for integrated tribal development were initiated through the National Extension Blocks (NEB) in tribal areas, each covering an average population of 25,000 as against 65,000 people in normal blocks. A number of Special Multipurpose Tribal Development Blocks (SMPT) was introduced. This programme covered nearly 71% of tribal areas. This programme was the first effort in the direction of integrated tribal development.

The country embarked upon five year plans for all sections of the population soon after Independence, to be specific from 1952. Tribal communities were brought into the development process of the nation. The programme of Community Development was launched in the First Five Year Plan and by the end of the Second Five Year Plan the whole country was covered under the Community Development Scheme. Therefore in order to supplement the Community Development Programme, 43 special multi-purpose tribal development projects were established in 1954. The Ministry of Home provided a sum of Rs 15.0 lakhs for these 43 projects. In addition, an additional amount of Rs 12.0 lakhs were provided for Community Development Blocks. The financial outlay of Tribal Development Blocks was comparatively higher than the Community Development Blocks. The total allocation of funds for tribal development was 0.87% of total Plan outlay

The community development schemes under Community Development Programme and Special Multi-Purpose Tribal (SMPT) Blocks were extended to the tribal areas. In Arunachal Pradesh the first Community Development Block was established in Pasighat of present East Siang district during the First Five Year Plan.

But the task of development in the tribal areas was not so easy. The areas were mountainous, undulating, forest covered and lacked in communication and infrastructure facilities. Habitations were mostly scattered. Obviously, the target fixed for tribal development was not achieved. Elwin Committee and Dhebar Commission reviewed the working of SMPT and other tribal development programmes. They recommended a more flexible approach towards the tribal problems. Accordingly, the SMPT Blocks were reorganised and renamed as Tribal Development Blocks in Third Five Year Plan

In Arunachal Pradesh two more sectoral activities namely Rural Development and Economic Services were introduced. The outlay increased to Rs.509.56 lakhs but the total expenditure was only Rs. 356.64 lakhs. In the new sectors only an outlay of Rs.63.86 lakhs and Rs.2.0 lakhs were allotted. The penetration was gradual in terms of introduction of new activities and schemes undertaken.

Third Five Year Plan

As you know on the basis of recommendations of Elwin Committee and Dhebar Commissions the Special Multipurpose Tribal Development Blocks was renamed as Tribal Development Blocks. The norms of the constitution of a T.D. Block comprised an area of 150 to 200 sq. miles. The area must have a population of 25000 or two-thirds of population of the area must be tribals. By the end of the Third Five Year Plan 500 such Blocks had emerged, covering 40 per cent of the total tribal population in the country.

The third five year placed top priority on economic development, education and health, housing and communication. Besides, it also laid emphasis on programmes like land improvement, land reclamation, rehabilitation of shifting cultivators, soil conservation, minor irrigation, supply of improved seeds and manure, bullocks, provision of training facilities and demonstration, fisheries, poultry, sheep breeding, organization of training cum production centres and provision of assistance to village artisans. In the field of educational focus was given on primary schools, facilities for free studentship, stipend, and hostel accommodation at the middle and at the secondary stages. It also provided scholarship and free studentship for technical training.

The amount spent for the tribals during the third Plan increased over the Second Plan by 21.56%. Total expenditure on tribal development during this Plan was of the order of Rs.52.55 crores out of a total of Rs.8577 crores.

During this period a special committee was appointed by the Home Ministry under the Chairmanship of Shilu Ao. The Committee made the following recommendations:

- The performance of T.D. Blocks fell short of expectations.
- Employment generation was narrow.
- Schemes were tailored to suit the local people.
- Developmental benefits were confined to the upper class tribal communities.
- programmes however, were successful to a greater extent in changing the attitude of the tribals towards development.

The committee recommended for flexible policy towards tribal development. it also emphasised on area approach to tribal development. More significantly Shilu Ao Committee recommended that the additional blocks in Third Plan period should not be confined to schedule areas but should cover other tribal areas where their concentration is more than 55%. The working group recommended opening 480 blocks during this period. It also recommended the formation of multipurpose Co-operative societies to meet the credit and non-credit needs of the tribal agriculturists and artisans.

During Third Five Year Plan no new sectoral activities were introduced. However, there was an increase in plan outlay from Rs. 509.56 in Second Five Year Plan to Rs.715.0 lakhs in Third Five Year Plan. The expenditure crossed the approved outlay and increased to Rs.720.69 lakhs. When the expenditure was Rs. 356.64 lakhs in previous plan period it was Rs.720.69 lakhs in the following plan period. This shows that plan activities geared up in six sectoral activities, four introduced during First Plan period and two more during Second Plan period.

Fourth Five Year Plan

The Fourth Five Year Plan (1969-1974) tried to accommodate recommendations Shilu Ao Committee. During 1970-71 a special programme for the development of selected tribal areas was initiated. It was an additive programme with focus on specific target groups/areas in the present Bihar, Jharkhand, Orissa, in the present Madhya Pradesh and Chhattisgarh and in the present Andhra Pradesh and Telangana. During this Plan six pilot projects were introduced in the tribal areas covering about 40,000 tribal families with an investment of Rs.150 crores per project. These projects were known as Tribal Development Agencies (TDA) and were taken up in the central sector. The agencies subsidised 50 to 75 per cent of

the capital requirement of each programme and the rest was met by the tribal beneficiaries through loans from institutional sources. The Agencies mostly worked for development of agriculture, horticulture, animal husbandry, fisheries and construction of roads as the core of economic sectors.

The Ministry of Agriculture, Government of India initiated this programme as a central nodal agency. Under the programme of TDA, six projects were initiated in the country- two in former Madhya Pradesh and Orissa each and one in former Andhra Pradesh and former Bihar each. Now you are clear that same plan programmes did not mean for all the tribal areas of the country. Tribal Development Agencies practically remained as an agricultural programme for small and marginal programmes. Various reports show that funds were diverted from this programme to road construction. So this programme was not a success.

During this Plan, the criteria of converting a Community Development Block (C.D) to a Tribal Development Block (TD) changed. As per 1961, organisation of a C.D. Block recognised 50% of scheduled tribe population. The State Governments suggested to National Government for conversion of 47 C.D. Blocks to T.D. Blocks during this period. Although there was a proposal to open T.D. Blocks, no new T.D. Blocks were opened in the state during Fourth Plan.

By the end of the Fourth Five Year Plan, 43 per cent of the tribal population was covered in 504 Tribal Development Blocks. In this period, a number of programmes were taken for small farmers, marginal farmers as also crash employment and rural employment schemes. The most important one was the Crash Special Nutrition Programmes and Crash Employment Programmes. These programmes aimed at supplementing the diet of tribal infants to save them from malnutrition. In the process, they were expected to create more employment opportunities for tribals.

With the emphasis on the rural poor some of the more backward areas also received more attention. The focus was now turned to individual families; a new programme of tribal development agency was taken up by the Ministry for Agriculture which is a variant of the small farmers programme. The outlays and expenditure for tribal development declined in the subsequent plans. For example the report of the Task Force on Development of the Tribal Areas (1975) shows that the proportionate expenditure on scheduled tribes continued to diminish during the plan periods. From one per cent of the total in the first plan, it came down to 0.04 per cent in the fourth plan.

Coverage and magnitude of sectoral activities gradually increased in Arunachal Pradesh. In Fourth Five Year Plans three more activities under Special Area Development, Irrigation, Flood Control & Power and Energy heads were introduced. Obviously, the allocated outlay increased to Rs. 1799.00 lakhs from Rs, 715.00 lakhs of Third Plan period. But the expenditure crossed the allocated out lay and reached Rs.1997.22 lakhs.

A review of four plans: During four Five Year Plans different areas of Arunachal Pradesh covered and number of activities introduced increased gradually. This is evident when you will calculate the percentage of expenditure to total outlay which increased in each successive five year plan. The total expenditure incurred on various heads amounted to 67.1 per cent, 69.9, per cent 100.78 per cent and 111.00 per cent respectively in successive four Five Year Plans. During the first two Plans utilisation of fund was not satisfactory. In next two Plans it

was more than the sanctioned expenditure. This shows penetration of plan programmes into the territory.

This was also true to most of the other tribal areas in the country. Similar areas had similar problems. So what was faced in Arunachal Pradesh was also faced while implementing plan programmes initially. Most of the tribal areas had physical constraints like rugged topography, rainfall, cold climate, river system like Arunachal Pradesh. So field staffs could not perform their tasks smoothly. Officials found it difficult to approach sparsely distributed villages without proper communication. Their ignorance of local dialects and lack of response from tribal people to developmental schemes either delayed or postponed. In some cases it took a lot of time to explain people about the benefit of new schemes.

Joram Begi, who was the Director of Higher and Technical Education, Government of Arunachal Pradesh, in his book *Education in Arunachal Pradesh since 1947* narrates the experience of Indira Miri, the first Education Officer in Arunachal Pradesh who was appointed just after Independence. When her team approached people to spread the message of education and set up schools people either fled away or attacked them.

Behera (1994) informs us about the plan objectives in Arunachal Pradesh during the first four plan periods. He maintains that the plan objectives were to

- i. generate external economies through selective investments to perpetuate and propel further the socio-economic development;
- ii. to improve economic condition of the people as a pre-requisite for seeking people's participation;
This needs explanation. If a child attended school he/she would remain absent in traditional livelihood pursuits. When the family's economic condition was such that his/her presence was not required then the child could participate in the development scheme, i.e. attending to school education.
- iii. to identify various socio-economic problems in Arunachal context and to chalk out remedial plans; and
- iv. to develop human resource in the region as a measure to meet the shortage of manpower in carrying out economic activities and to involve people's participation in their own development.

Check Your Progress-III

Answer the following questions in a word (s) or in a sentence

1. What type of society was envisaged during First Five Year Plan?
2. What principle guided tribal development approach?
3. What was the strategy of First Five Year Plan for tribal development?
4. What strategy was adopted for tribal development during Second Five Year Plan?
5. Who recommended reorganisation of Special Multi-Purpose Tribal Development Block (SMPT) approach?
6. What was the new designation of SMPT Blocks?
7. What were the priority areas on which Third Five Year Plan focused with regard to tribal development?
8. In which Plan Tribal Development Agency (TDA) strategy was launched?

9. What are the programmes launched during Third Five Year Plan for the welfare of both general and tribal small and marginal farmers including those from tribal communities?
10. Which sectoral activity was focused during First Five Year Plan?

The situation also holds for other tribal areas as initial plan efforts were not fruitful. This is presented in various reports. The staff did not understand the cultural ethos and the people obviously were alien to national model of planned development. That is why schemes and strategies changed in every five year plans and the schemes like Community Development Projects and other subsequent projects gradually covered the tribal areas of the country.

Needless to say, the four five year plans represented the formative stage of planning era. It is a stage where planning needs of the tribes and idea of planning for the tribes started to develop.

2.4.3 Fifth to Seventh Five Year Plans

You have already known that there was policy shift from fifth five year plan with regard to tribal development. The reasons are apparent in previous discussions. You have studied the observations of Shilu Ao Committee (1969) which evaluated the impact of Tribal Development Programmes. The Committee pointed out various shortcomings in the functioning of Tribal Development Blocks. Let us discuss some more points to understand the need for a policy shift. These shortcomings are:

- (a) A large number of standardised schemes in vogue among advanced communities have been applied to tribal areas.
- (b) The employment aspect of development has been attended to.
- (c) Settlement of Land disputes at pre-extension stage was not taken up.
- (d) In productive schemes like agriculture, irrigation and animal husbandry, 20 per cent of the investment was on constructions.
- (e) Sixty to seventy per cent of the funds were spent on 'brick and mortar' schemes.
- (f) In many cases cooperatives were started without much education or propagation among the tribals. Moreover, procedures followed were complex.
- (g) The benefits had mostly accrued to the more advanced among the tribals.

The report indicated that the fragmentary approach towards development planning formed an important limitation on Tribal Development Blocks. Due to their low economic base and the small size, the blocks could not take up long term programmes.

P.V.Rao (1988) informs that programmes were being formulated for individual sectors at different levels without proper coordination. The programmes so formulated also did not take into consideration local priorities and capabilities of the existing institutions. This was said to have resulted in preferring exogenous priorities. Another shortcoming was the imbalance of regional and group development. The imbalance occurred due to lack of uniformity in the distribution of economic benefits and other services. Moreover, differences in ownership of resources and receptivity towards innovations were not taken into consideration. In another sense the existing capabilities and social structure was not considered in the programmes. Realising this lopsided development, the National Planning Commission envisaged a new strategy of Planning for tribal areas in the Fifth Five Year Plan.

The new strategy envisaged priority of local needs in the plans. It also envisaged a balanced development of the region and all the groups inhabiting in it. The crucial point the strategy

recognised is that there is no uniform solution to the problems faced by the tribes as they are placed at different levels of development.

In this section you will learn how formative stage graduated into constructive stage, the stage that includes fifth to seventh five year plans, with new comprehensive plan strategies.

Fifth Five Year Plan

The Fifth Five Year Plan (1974-78) marked a shift in the approaches to tribal development. A new strategy was evolved for planning and development of the tribal areas through sub-plan approach. The new plan strategy was named Tribal Sub-Plan (TSP) based on area development approach. The Sub-Plan guidelines were issued by the Planning Commission. The guidelines envisaged taking care of the special needs of the tribes and integrating the area approach strategy. It put much emphasis on all round development of tribals. The main objectives of the sub-plan were to

- a) improve the quality of life of tribal communities;
- b) eliminate all forms of exploitation;
- c) build up capabilities and organisational set up of the tribals;
- d) narrow down the gap between the level of development of tribals and other-areas; and
- e) achieve social and cultural integration of tribals with the rest of the society.

To achieve these objectives the sub-plan strategy envisaged for

- i. identification and demarcation of areas of tribal concentration;
- ii. identification of socio-cultural barriers and parameters of change in development;
- iii. assessment of potentialities, special problems and felt needs of the tribal areas;
- iv. assessment of the resources available for the sub-plan;
- v. formation of sectoral programmes; and
- vi. devising a suitable administrative set up.

You have already studied the reports of Shilu Ao Committee. There were two more committees which recommended for the policy shift. The first Committee was a Taskforce on the Development of the Tribal Areas formed in 1972 with Prof. L. P. Vidyarthi as its Chairman. The objectives were to

- (a) review the nature and level of development that had taken place so far;
- (b) suggest a perspective of development for a fifteen year period; and
- (c) formulate proposals for the fifth plan indicating priorities, policy programmes and outlays in the light of the perspective.

The Task Force Team suggested that areas with high concentration of tribal population should be

- identified;
- grouped on the basis of a combination of ecological, occupational and social parameters;
- assessed properly for policy formulation and implementation; and
- assured steady flow of benefits to the schedule tribes.

The Task Force team also suggested that emphasis should be laid on the primary sector of the tribal economy, i.e. agriculture and forestry. Along with this measures should be initiated to deal with the problems of land alienation, indebtedness, credit and marketing, and excise policy.

Following the suggestions of the Task Force team the Central Department of Social Welfare constituted an expert committee on tribal development headed by Professor S. C. Dube. The Committee submitted its report in the same year (1972) identifying the new strategies for tribal development. It suggested that

- a. the problem of the tribal development should be defined at the national level and a national *effort* should be worked out to tackle the problem;
- b. the role of each state or each department should be fully defined;
- c. the central sector should play an important supplementary role;
- d. review of the important policies especially those covering forest, industry, minerals development and excise administration should be taken up;
- e. integrated area development approach in conformity with the development of the people should be adopted;
- f. the development programmes should give high priority to programmes minimising the incidence of exploitation;
- g. local communities should be helped to build up their inner strength; and
- h. special schemes for extremely backward areas, neglected and isolated tribes and tribals affected by major projects should be formulated; and
- i. for strengthening and streamlining the development programmes the administrative and economic institutions should be taken up urgently and evaluation should become an integral part of the administrative structure.

On the basis of the above recommendations the objectives and strategy of the sub-plan were formulated which have been discussed above. The main components of the Tribal Sub-plan strategy are: Integrated Tribal Development Projects (ITDPs), LAMPS and Modified Area Development Project. The last one was introduced during the Sixth Five Year Plan. In section 2.5 you will study the components in details.

But it is observed that the sub-plan approach suffered from the same limitations like community development projects. During this plan, about 65% of the tribal areas were covered. Obviously, it had limited success in terms of coverage and also in terms of benefit accrued to tribes. The same problems of the administrative inadequacies, lack of managerial skill, inaccessibility to tribal areas and to their scattered habitations, lack of proper monitoring and evaluations continued. The benefits of the development schemes accrued to the well-to-do sections of the tribals and non-tribals.

As you know tribal sub-plan was not meant for tribal states like Arunachal Pradesh, Mizoram, etc. These are tribal states and the population constitutes more than 60 per cent of the population. The main objectives of the Fifth Five Year Plan in Arunachal Pradesh were

- to maximise food production through intensive cultivation;
- to develop the means of communication and power generation;
- to initiate industrialisation of the area by introducing small, medium and large scale industries;
- to provide minimum education and health facilities; and

- to ensure that the cultivators, small entrepreneurs and job seekers get a fair share in the fruits of planned development

During this plan period a total outlay of Rs. 6239.87 lakhs were approved but only Rs 4239.32 laks were spent in 10 sectors of activities. Activities under Scientific Services and Research had not commenced yet.

Sixth Five Year Plan (1980-85)

As you know during Fifth Plan, about 65% of tribal areas were covered. In other words the remaining 35% of the dispersed tribal habitations remained uncovered. So they hardly benefited from general economic development. In view of this at the beginning of the Sixth Five Year Plan (1980-1985), the Government considered uncovered tribal areas and tribal population under the tribal sub-plan. So during this plan, areas with 50% concentration of tribal population were brought within the sub-plan, with an intention to cover 75% of the total tribal areas. Emphasis was placed on family-oriented economic activities rather than area development schemes of previous plan. The plan sought to ensure a higher degree of devolution of funds. In view of this, the investment in Tribal sub plan areas was about Rs. 5,535 crores as against the total investment of only Rs. 1,402 crores up to the end of the Fifth Plan.

The specific objectives of Tribal Sub Plan (TSP) during the sixth plan were

- (i) bridging the gap between the level of development in the tribal areas and the level of development in the surrounding areas
- (ii) elimination of all forms of tribal exploitation such as land alienation, indebtedness, trade, excise and cheating by forest contractors;
- (iii) raising productivity levels in several fields of activities and improving quality of life;
- (iv) establishing village and small industries;
- (v) providing for subsidiary occupations and related services and initiating minimum needs programme;
- (vi) developing human resources and improving educational standard; and
- (vii) development of adequate infrastructure.

It had both short term and long term objectives. The short term objectives envisaged that at least 50 per cent of tribal families would be provided assistance to cross the poverty line. Emphasis was laid on consolidation of the gains of the protective measures, programmes of full employment, education and health services. But the long-term objectives in the Sixth Plan continued to be the same as in the Fifth Plan.

During this plan, about 39.64 lakhs tribal families were economically assisted. A total of 245 MADA pockets were identified for intensive development. The objective was to increase the coverage of tribal population to 75 per cent. Further the number of 'primitive tribes' identified during Fifth Five Year Plan increased from 52 to 72. For them special income generating schemes were introduced during this Plan. During the Sixth Five Year Plan Modified Area Development Approach (MADA) and Clusters for pockets of tribal concentration were introduced. The MADA was introduced to cover a population of 10,000 or less, out of which not less than 50 per cent should be tribal.

For tribal states like Arunachal Pradesh, Mizoram, etc., MADA or Clusters strategy was not introduced. They were covered under general plan programmes. During the Sixth Five Year Plan activities under Scientific Services and Research were introduced for first time with an outlay of Rs. 1.00 lakh. Behera (1994) informs that during this Plan emphasis was laid on building up and consolidating the gains so far achieved, and as far as practicable to try to overcome the shortcomings identified in the process of development. The objectives were spelt out within the overall national development perspective with due emphasis on agriculture and allied services, village and small scale industries and increasing the coverage under minimum needs programme. Development of human resources and exploitation of natural endowments in an optional manner were also the objectives during this plan. Food grain production for self-sufficiency and marketable surplus was emphasised. The objective of increased agricultural production had the vision of opening up new agro-based industries. During this plan, an out lay of Rs 22290.65 lakhs were sanctioned, but the expenditure increased to Rs.22554.05 lakhs.

Behera (1994) summarises the achievements in Arunachal Pradesh during these two plans in the following words:

New activities have been introduced; old ones, suitable for uplift of the people have been consolidated. Constraints on the way to development have been identified more clearly and plan measures have been undertaken, more or less, with a definite purpose. The element of aphorism has been minimised and the economy is placed on a selected path that leads to achievement of economic growth with social justice, i.e. the economy is launched on the plane of preparatory stage.

Seventh Five Year Plan

In the Seventh Five Year Plan (1985-1990) the objectives of the Sixth Five Year Plan continued. The objective of assisting 50 per cent of ST families to enable them to cross the poverty line as envisioned in the Sixth Five Year Plan also continued in the Seventh Five Year Plan to make the coverage 100 per cent. Naturally, strategy of Tribal Sub-Plan comprised identification of funds, formulation of appropriate policies and programmes in order to consolidate and intensify the schemes undertaken during previous period. During this Plan, a coordinated approach was envisaged along with an appropriate administrative structure in tribal areas. The overall objective was beneficiary oriented and the strategy emphasised on infrastructure, enlargement of coverage and human resource development programmes.

As you know, this Plan emphasised on enlargement of coverage of tribal population. In order to ensure hundred per cent coverage, the Plan envisaged covering all categories of tribal population living under ITDPs, MADA, and Clusters, and PTGs and vulnerable groups in industrial areas and also tribes living outside the above areas within the purview of the TSP. Therefore, it also emphasised on vulnerable tribal groups like nomads, shifting cultivators, forest dwellers, displaced tribal families, migrant labourers and particularly tribal women. This perspective was influenced by the national development goals of achieving social justice, equity, self-reliance, improved efficiency and productivity during the Seventh Five-Year Plan. Needless to say, tribal development perspectives gradually integrated with national development perspectives keeping the tribal situation in view. The Plan envisaged the development of primitive tribal groups and strict enforcement of anti-exploitation measures and legislations.

The major objectives during the Seventh Five Year Plan were to:

- (i) increase productivity in agriculture, horticulture, animal husbandry, forestry and cottage, village and small industries;
- (ii) develop education, both formal and non formal, with focus on vocationalisation;
- (iii) eliminate exploitation of all forms in the sphere of economic and socio-cultural affairs;
- (iv) create adequate infrastructure to achieve the above objectives;
- (v) give special attention to vulnerable tribal areas and groups including tribal women, differently-abled people, tribal displaced people, etc., which have not received adequate attention in the past plan programmes; and
- (vi) to improve and upgrade social and physical environment of the tribals.

Therefore, important guidelines were formulated and provisions made for effective implementation of programmes under tribal sub-plan. These included:

- a) formation of cabinet sub-committee to decide broad objectives of the tribal sub-plan;
- b) association of tribal representatives with plan implementation; (c) full control ITDPs in the process of implementation;
- c) prohibition of transfer of tribal lands to non-tribals; and
- d) the need for commitment and dedication to services by the officers.

For the economic development of Scheduled Tribes, two national level institutions were set up viz,

1. Tribal Co-operative Marketing Development Federation (TRIFED) in 1987 as an apex body for State Tribal Development Co operative Corporations; and
2. National Scheduled Castes and Scheduled Tribes Finance and Development Corporation, (NSFDC) in 1989.

It was envisaged to provide remunerative price for the Forest and Agriculture Produce of tribals through TRIFED and NSFDC. Through NSFDC it was also envisaged to provide economic assistance for self-employment projects.

In terms of achievements the Plan has registered remarkable success. By the end of the period there were already 268 MADA pockets, covering 15,080 villages and 45.82 lakh population in 9 states; 74 cluster pockets covering 1,219 villages and 3.36 lakh population in 7 states. There were 74 Special Projects for PTGs in 15 States/Union Territories.

In Arunachal Pradesh the Plan objectives were formulated in consonance with general plan objectives. You are informed that ITDP/MADA were not applicable to Arunachal Pradesh and some other states of the Northeast India with 60 % or of tribal population. Plan programmes were general in nature. In Arunachal Pradesh the objectives of the Seventh Five Year Plan were to:

- develop basic infrastructure;
- provide for the basic minimum services to improve the quality of life;
- attain self-sufficiency in food;

- promote of horticulture;
- take up steps for rapid development of local resources and local resource based industries;
- initiate measures for development of manpower resources; and
- to strengthen welfare programme to remove illiteracy, for standard health care, minimum needs programme, environmental improvement.

In order to undertake these activities an amount of Rs 55561.0 lakhs were sanctioned out of which a sum of Rs.5502.15 lakhs were spent. You will find that due to general nature of plan programmes special needs of the tribes or peculiarities of the state did not form a part of Plan objectives. How to develop the tribes along the line of their genius is not reflected in the objectives. The integration seems to be direct through general plan programmes.

Such a type of direct integration without considering tribal traditions, customs in development objectives were also evident in sub-plan areas. Integration with development process d them which deprived them not only from their traditional resource base but also affected their socio-psychological temperament. In this context it is worth quoting Roy Burman. He writes,

"there is a growing feeling that the expenses included under TSP had a negative impact on the economic and social life of the tribals. Among them particular mention might be made of major irrigation projects. While these had displaced a large number of tribals from their habitats, very few of them could derive much benefit out of the compensation at rates which were inadequate to integrate them in the economy that would emerge as a sequel to implementation of the project.

You have seen that tribes were tradition bound before Planning era. During four five year plans economic forces entered into their traditional life. It was a formative stage, for at the core of their life ways tradition was predominant. Even all the tribal population were not covered under plan programmes. This is evident even in Arunachal Pradesh from the fact that activities in four sectors were introduces in a small scale. That is why the expenditure incurred was around Rs. 200 lakhs. Small scale penetration in other areas is also evident from selective programmes and coverage of the population. But in between Fifth and Seventh Five Year Plans, tribal populations were covered under sectoral activities through general and sub-plan programmes. In other words, this was a constructive stage as the tribal economy was prepared through sectoral activities in contrast to their traditional life ways. This stage in Rostow's scheme is the transitional stage. This stage transforms traditional economy to take off along the path of sectoral activities. How far and to what extent tribals take up sectoral activities and what is the extent of the presence of traditional life ways are topics of objective investigation.

But from planning point of view, it is evident that the tribes were covered by sectoral activities by the end of the Seventh Five Year Plan directly through general plan programmes or through sub-plan strategies. The sectoral activities are evident in the nature of activities like agriculture, education, infrastructure, health, etc. undertaken in tribal areas of the country in general. This means after the Seventh Five Year Plan the tribal economy enters the take off stage, meaning that the stage of a self-sustained growth of the economy is ahead.

2.4.4 Eighth to Twelfth Five Year Plans

The tribal societies were in transition due to introduction of plan programmes. But this transition has not prepared the tribal economy to take off, for tribal economy is a part of the national economy and it is in the process of integration with the national economy. As you know tribal economy has not been at par with the national economy. Still constitutional provisions and safeguards guide tribal development through positive discrimination and affirmative action. In other words even if the national economy enters into take off stage the tribal economy is certainly not. Had tribal economy integrated fully with the national economy constitutional safeguards would have been withdrawn. Obviously, tribal economy after the stage of transition is still in the process of integration with greater intensity. That is why the planning period from Eighth Five Year Plan to twelfth Five Year Plan is constructed as the Stage of critical Integration. During Eighth Five Year Plan Indian economy adopted New Economic Policy influenced by liberalisation, privatisation and globalisation perspectives. These forces influenced the dynamics of sectoral activities to achieve sustainability; ensure empowerment, decentralised governance and participation in development and protect human rights. Tribal development also was influenced by such forces. During this stage PESA, 1996 and FRA, 2006 were enacted. You will read about the provisions in details in Chapter-V of this Paper. It is suffice to note that these acts provided for prevention of exploitation, protection of traditional rights over land and forests and empowered gram sabhas to take decision. Undoubtedly, the process of integration of tribal development entered into a critical stage. An account of plan objectives and strategies of each five year plan in this stage is presented below:

The Eighth Five Year Plan (1992-97)

The Eighth Five Year Plan (1992-97) launched a frontal attack on tribal poverty, illiteracy, ignorance and exploitation through intensification of TSP and other special schemes. In view of this the Plan envisaged providing tribals access to credit from banks and cooperative institutions. The allocation for development of Scheduled Tribes increased during this plan period also.

The main objective in this regard was to bridge the gap between the levels of development of the Scheduled Tribes and those of other sections of the society. The Plan not only emphasized elimination of exploitation but also paid attention to the special problems of suppression of rights, land alienation, non-payment of minimum wages and restrictions on right to collect minor forest produce etc. In view of this the Government implemented various schemes provided in Joint Forest Management programme.

As per the provisions of the programme, various schemes like watershed projects, sectoral programmes like agriculture, social forestry, horticulture, infrastructure and social services were introduced in order to divert the tribals from the practice of shifting cultivation. Cooperatives are designed to render services in tribal areas mainly for marketing of SAP (Surplus Agricultural Produce) and MFP (Minor Forest Produce).

The strategy of the tribal sub-plan continued. But the programmes were reviewed keeping in view the priority order of needs of the tribals. The main objective was that benefits to the target group, both individuals and families accrue adequately. Significant emphasis was

placed on poverty alleviation and employment generation programmes. Skill development programmes to improve the earnings of STs and to enlarge their occupational choices were taken up. The Plan envisaged a national policy on rehabilitation of people displaced by large development projects. For primitive tribal groups, detailed plans will be prepared for their economic development as far as possible with the family as the unit. Role of voluntary organisations in tribal development was also recognised. They were to be promoted and assisted to play a partnership role in the designing and implementation of programmes.

During this plan the Tribal Cooperative Marketing Development Federation (TRIFED) was organised extensively collection and marketing of minor forest produce in a remunerative way to tribals through the State Tribal Development Cooperative Corporations. You will read about TRIFED in section 2.5.5 of this Unit.

A review of tribal development in early Nineties revealed that 'Though the TSP Strategy has yielded results, yet were not in a position to commensurate with the efforts put in and investments made'. Obviously, tribal economy was not fully integrated during previous plan periods. The policy objective of diverting the tribal from shifting cultivation also speaks that tribal development is not fully integrated with national development process. A number of measures were taken to provide facilities like schools, hostels and institutional structures for health care, nutrition, drinking water supply, road linkages and housing will be in order to promote integration of the STs with the rest of the population.

In this Plan the objectives for tribal states like Arunachal Pradesh essentially were almost repletion of the earlier plan period. These indicate the continuity of the process of integration. The objectives were

- Development of basic infrastructure
- Provision of the basic minimum services to improve the quality of life
- Attending self-sufficiency in food,
- Promotion of horticulture
- Rapid development of local resources
- Strengthening welfare programme to remove illiteracy, provide standard health care, continue minimum needs programme and strive for environmental improvement.

During this Plan period the plan outlay in Arunachal Pradesh increased to Rs.172872.50 lakhs in comparison with Rs 55561.0 lakhs of the previous Plan. Maintaining the same trend the expenditure incurred is recorded Rs. 171159.62 lakhs as compared with Rs.55024.15 lakhs of the previous plan period.

Ninth Five Year Plan

In the Ninth Five Year Plan (1997-2002) the issue of justice- social and economic through empowerment was the primary focus. The perspective of empowerment is a global concern. Its role in development was recognised and emphasised at the World Summit for Social Development held at Copenhagen in March 1995. This perspective guided the programmes and schemes national development in India in general and tribal development in particular. The main objective was to enable the tribes to exercise their rights freely, to enjoy the privileges and to lead a life of self-confidence and dignity at par with members of other social categories of the country. The Plan witnessed a shift from earlier understanding of development in terms of 'growth with social justice' to 'development with power'. The issue

core idea of development shifted from economic supremacy to include socio-cultural and political factors as reflect in the concept of ‘empowerment’.

As empowerment was the focus of this Plan the schemes were formulated to incorporate provisions of empowerment. Efforts were made to empower the people including tribals. So emphasis was laid on beneficiary oriented development schemes through integrated area development approach. The issue of empowerment also found its emphasis in earlier schemes like provision of food security and nutrition, health care, education etc. Education was designed as a tool of empowerment. One hundred **Ekalavya Model residential Schools in 24 states were opened during this plan** with a view to provide a uniform pattern of education in order to enable the students to compete effectively for higher education programmes (medical, technical, etc).

The Plan provided for protection of ownership/patent Rights of the tribal people in respect of minor forest produce including medicinal plants as per the provisions of Intellectual Property Rights (IPR). You have already read about the provisions of IPR in Unit-III of Paper III.

The Ninth Five Year Plan envisaged an Action Plan for the PTG development. The thrust was on total food and nutrition security, health coverage, education facilities etc. in keeping with their socio-cultural conditions.

To speed up empowerment process Special central assistance were provided to tribal sub-plan (TSP) by the Ministry to the State Governments. It was an additional component over the state plan. The special assistance was meant for the areas where state’s plan provisions were not adequate coming to bring about a rapid economic development of tribals.

In Arunachal Pradesh the objectives formulated during this Plan were only improvement over the Eighth Five Year Plan. These were

- Development of basic infrastructure
- Provision of the basic minimum services to improve the quality of life
- Increasing production of food-grains not only to attain self-sufficiency but also to generate some surplus
- Promotion of horticulture and floriculture
- Development of industries based on local resources
- Generation of employment for people below poverty line and unemployed educated youths
- Operationalisation of decentralised planning at sub-state level.

During this Plan an amount of Rs. 275222.60 lakhs was approved out of which Rs. 248664.16 lakhs were spent. Though it is not apparent that empowerment was the focus area filed observation showed implementation of the schemes intended for empowerment.

Tenth Five Year Plan

The Tenth Five Year Plan (2002-2007) was formulated mainly to consolidate the schemes in order to achieve what could not be achieved in previous plans. It is clear from the Mid-Term Appraisal of the Ninth Five Year Plan (1997-2002). It states,

‘A small bunch of bureaucratic programmes had done little to avert the precipitous pauperization, exploitation and disintegration of tribal communities and therefore, most of the persistent problems like poverty, indebtedness, land alienation, displacement, deterioration of forest villages and the tribes living therein, shifting cultivation etc., continue to persist even till today as the ‘Unresolved Issues of Tribal Development’.

The Tenth Five Year Plan therefore lays down its first priority in finding solutions to these very Unresolved Issues. It adopted eradication of deprivation/exploitation of tribes as the centre-point in its approach, while pursuing simultaneously the Ninth Plan commitment of empowering the tribes. Needless to say during the Plan a comprehensive National Policy for empowering tribals was formulated.

Illiteracy is a serious problem is the process of empowerment. To tackle the issue of female literacy among STs a scheme was envisaged. The strategy was to identify 134 districts in country which have below 10% female literacy rate. The scheme was envisage to be implemented through NGOs and Cooperative societies. The schemes also covered the entire primitive tribal group population (PTG) irrespective of the percentage of female literacy. The main objective was not only to empower tribal women but to ensure social justice by raising their literacy level. As empowerment was the focus in the Plan steps in finance sector was introduced to empower tribal women financially.

National Scheduled Tribe Finance Development Corporation introduced an exclusive scheme entitled “Adivasi mahila sashaktikarana yojana” (AMSY) for the economic development of schedule tribe women beneficiaries. The scheme envisaged concessional financial assistance to needy tribal women. A scheme named ‘Janashree Beema Yojana’ of Life Insurance Corporation of India was introduced. The Ministry of Tribal Affairs decided to provide insurance cover to the earning member of each PTG family throughout the country under this scheme.

In Arunachal Pradesh, however, the focus was growth oriented. But the essence of empowerment was not absent in the activities envisaged. The main objectives of the Tenth Five Year plan were as follows:

- sustaining the thrust on creation and maintenance physical infrastructure;
- harnessing latent hydro-potential;
- universalisation of elementary education and eradication of illiteracy;
- alleviation of poverty;
- improving the nutritional health profile of the population;
- investing in the productive sectors of agriculture, horticulture and food processing with particular emphasis on marketing;
- development of tourism;
- exploration and exploitation of proven mineral wealth;
- generation of employment for people below poverty line and unemployed educated youths;
- scientific exploitation of timber resources; and
- development of manpower resources.

To full fill these objectives an outlay of Rs 403329.0 was earmarked out of which Rs.361135.06 lakhs were spent. The activities envisaged to be undertaken show the gap between achievements of tribes in Arunachal Pradesh and national scenario. When the entire focus was on empowerment, in tribal areas and states the objective of empowerment was planned to be achieved through growth primacy.

Eleventh Five Year Plan

The Eleventh Plan (2007-2012) adopted the inclusive growth process, in general and with respect to STs, keeping the issues related to governance at the centre. To achieve inclusive growth it focused on four main activities and the strategy of empowerment. The four activities are:

- i. Retail marketing development activity;
- ii. Minor forest produce marketing development activity;
- iii. vocation training, skill upgradation and a capacity building of ST artisans and MFP gatherers; and
- iv. Research and development, intellectual property right, IPR proper activity.

For the ensuring empowerment it focused on the strategy of tribal-centric, tribal-participative and tribal-managed development process. Primarily, the Plan aimed at achieving social and economic empowerment through operational imperatives of the Fifth Schedule, Tribal Sub Plan 1976, PESA 1996 and FRA 2006. The strategy of empowerment envisaged a conscious departure from dependence on a largely under-effective bureaucratic delivery system. In the context of tribal states it envisaged to achieve the objective of empowerment through general plan programmes.

Social empowerment was envisaged through educational development. Therefore, various schemes extension of incentives, financial assistance, and coaching and hostel facilities were implemented for the benefit of STs. Economic empowerment was envisaged through employment and income-generating activities. Steps were initiated for prevention of exploitation, land alienation, involuntary displacement and survival protection and development of endangered PTGs. The Plan further envisaged to essential livelihood options and social justice.

In Arunachal Pradesh the Planning Department enumerated objectives on the basis of the needs of the state. Through these objectives it envisaged to achieve inclusive growth and empowerment. The objectives are:

- i. Stress on productive sectors of agriculture, horticulture and food processing with emphasis on marketing for attainment of self-sufficiency in food by adoption of modern practices.
- ii. To ensure optimal utilization of land resources for cultivation, emphasis will be on assured irrigation system suiting the geographical requirement in different parts of the State.
- iii. Protection and conservation of bio-diversity along with stress on afforestation programmes.
- iv. Thrust on creation and maintenance of economic and social infrastructure.
- v. Exploration and exploitation of hydropower potential and mineral wealth like coal, oil and natural gas etc.

- vi. Employment generation for the people living below poverty line and unemployed educated youths.
- vii. Improvement of educational, health and nutritional profile of the population;
- viii. Development of agro and forest based industries
- ix. Infrastructure development in Tourism sector including adventure and ecotourism etc.
- x. Strengthening of institutional infrastructure for Panchayati Raj Institutions and Municipal administration.

To achieve this, a requirement Rs. 14550.24 crore during 11th Plan was proposed.

Twelfth Five year Plan

The Twelfth Five Year Plan (2012-2017) recognised the formidable challenges of tribal development on the basis of working of previous plans. The perpetuation of socio-economic backwardness among the STs, in spite of the efforts made so far was considered seriously. The plan emphasised a shift from 'Post-facto Accounting' to 'Pro-active Planning for SCSP/TSP'. However, the core perspective of general planning provided imperatives to plan the development in tribal states by their respective Planning Departments.

Taking into consideration the above issues, the Plan envisaged faster, sustainable and more inclusive growth. It adopted the strategy of administrative strengthening and improved governance. So an institutional framework to effectively implement these changes was envisaged in the Planning Commission. At the State level, an apex body headed by the Chief Minister and designated Nodal Department was envisaged to appraise the SC/ST Sub-Plan for the State. The Plan identified key elements to be emphasised. But it focused on the following activities:

- i. Education and health
- ii. Livelihood support and employment, imparting of skills and creation of employment opportunities near ST habitations
- iii. Improved infrastructure
- iv. Issues of land acquisition
- v. Resettlement and rehabilitation of displaced tribal populations
- vi. Connectivity in Left Wing Extremism and tribal areas
- vii. Implementation of provisions of PESA and FRA.

Check Your Progress –IV

State whether the following statements are 'True' or 'False'

1. Tribal Sub-Plan is an area approach.
2. Professor S.C.Dube was the Chairman of Task Force team.
3. LAMPS is a component of Integrated Tribal Development Project (ITDP).
4. MADA is beneficiary oriented programme.
5. PTG development strategy was formulated in Fifth Five Year Plan.
6. TRIFED is a tribal institution.
7. NSFDC (National Scheduled Castes and Scheduled Tribes Finance and Development Corporation) is a marketing corporation.
8. NITI Ayog is an Advisory Body.
9. PESA,1996 was enacted during Eighth Five Year Plan.

10. Growth with social justice was the motto of Eleventh Five Year Plan.
11. Janashree Beema Yojana is meant for PVTGs.
12. Empowerment has been one of the development goals from Ninth Five Year Plan.

2.5 Important Strategies and Components

You have read various programmes and strategies formulated during various Five Year Plans. Some important ones are discussed here.

2.5.1 Tribal Sub-Plan

You have already learnt the basics of Tribal Sub-Plan (TSP) in section 2.4.3 of this Unit. You have also learnt the contributions and recommendations of Shilu Ao Committee, Task Force Team headed by Professor L.P.Vidyarthi and of the Expert Committee headed by Professor S.C.Dube. You have learnt main objectives and strategy of the tribal sub-plan. The TSP as you know was introduced during Fifth Five Year Plan and introduced a shift in tribal development approach from adhocism of community development programmes of first four Five Year Plans. It was a comprehensive, well- knit and integrated programmes for the rapid socio-economic development of tribal people of ‘specific tribal areas’.

Why TSP

As you know tribal Community Development Programmes (CDPs) of previous plan periods were not successful in achieving tribal development as desired. Reports of various Committees and Commissions inform that these programmes had limitations. A. R. Basu (1985) and L.P.Vidyarthi and B.K.Rai (1976.1985) have listed the limitations of the (CDPs).

These limitations were: (i) fragmented approach to development planning, (ii) application of large number of standardized schemes in tribal areas, (iii) neglect of employment aspects, (iv) failed to take up settlement of land dispute and (v) a fixed 20 per cent investment in productive schemes like agriculture and animal husbandry. The general sector programmes did not benefit the tribal areas. As it was meant for general population the advanced section among them were in advantageous position to avail the benefits.

Vidyarthi and Rai (1976/1985) identified poor and inadequate allotment of funds, neglect and lack of special attention, lack of effective personnel policy, inadequate administrative machinery, excess politicization of the tribal issues as limitations of earlier approach for which TD Blocks could not address the tribal problems properly. Besides, TD Blocks were too small a unit for overall development.

The TSP approach is apparently a single programme of development; but it involves the financial aspects, physical planning and administrative considerations of the government, semi-government and voluntary agencies. The approach therefore envisaged tackling the tribal problems by categorizing the tribal areas into three broad categories:

- i. States and Union Territories having a majority scheduled tribes population;

- ii. States and Union Territories having substantial tribal population but majority tribal population in particular administrative units, such as blocks and tehsils; and
- iii. States and Union Territories having dispersed tribal population.

The TSP as you know, is based on *area development* approach. The Sub-Plan guidelines were issued by the Planning Commission. The guidelines envisaged taking care of the special needs of the tribes and integrating the area approach strategy.

Coverage of TSP

You will find that the TSP operates in 22 States and 2 UTs at present. These states and areas are: Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Goa, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman & Nicobar Island and Daman & Diu.

You also know that at present, 10 States namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana have Fifth Schedule Areas. Article 244 (1) states that the provisions of the Fifth Schedule shall apply to the *administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram*. It is because Article 244(2) states that the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram.

A few clarifications are due to understand 'specific tribal areas' where the TSP is applied. 1. The tribal areas in India are classified under Fifth and Sixth Schedules. 2. Under the Fifth Schedule there are states with Scheduled Areas (10 states) and states inhabited by Scheduled Tribes (like Kerala, Uttar Pradesh, Uttarakhand, West Bengal, etc.). 3. Sixth Scheduled covers States of Assam, Meghalaya, Tripura and Mizoram 4. There are tribal states like Nagaland (371A), Manipur (371C), Arunachal Pradesh (371H) Mizoram (371G) provided with Special provisions. While Arunachal Pradesh does not come under either Fifth or Sixth Schedule, Mizoram comes under Sixth Schedule. 5. Though Assam and Tripura are under Sixth Schedule, they are also come under the TSP. Kerala, Uttarakhand etc. are neither under Sixth Schedule nor Fifth Schedule; but they come under TSP coverage.

Now you are clear that the TSP area should not be considered in terms of either tribal Scheduled areas of Fifth Schedules or tribal areas of the Sixth Schedules. TSP areas fall within some Fifth and Sixth Schedule states, states with special provisions under various clauses of Article 371 and states with tribal population beyond Schedules and provisions of Article 371. TSP areas are different from the areas classified under Fifth and Sixth Schedules and Article 371. The exercise of identification of tribal majority blocks for the purpose of TSP coverage in the country was undertaken in the Fifth Plan period (1974-79) and completed in the Sixth Plan period (1980-85).

However, application of the TSP to areas other than Scheduled Areas depended on recognition to backwardness of tribes in such areas gradually. The present areas in different states have come under the TSP converge due to State governments' demand. The issue is reported by Xaxa Committee (GOI,2014). It states,

The State Governments, in response to the Bhuria Commission, provided several suggestions on this issue, with some calling for changes in the criteria while others declaring their satisfaction with the status quo as regards their States. The State Government of Chhattisgarh noted that while it has about 81,669 sq. km as Scheduled Areas, there are 88,000 sq. km in the state under the Tribal Sub-Plan (TSP), thus creating a disparity which must be addressed by making Scheduled Areas coterminous with TSP areas. They further suggested the condition of 50% Scheduled Tribe population for declaration of Scheduled Area as well as the treatment of the Gram Sabha as a viable unit. Madhya Pradesh, on the other hand, has suggested a norm of 40% tribal population in a block and Gram Panchayat for eligibility. The government also argued that human development indices may not be a viable standard for exclusion from Scheduled Areas, since there is considerable economic and social differentiation between and within tribal groups. The Rajasthan government recommended that the backwardness of an area be assessed, according to the following parameters: ST female literacy and availability of safe drinking water, healthcare, and electricity. Based on these suggestions, the Bhuria Commission recommended:

- a) *that the notification of Scheduled Areas should include villages as well as towns and cities in the blocks, tehsils and districts, including all forest and revenue lands; and*
- b) *that all the Integrated Tribal Development Projects (ITDPs), Modified Development Approach (MADA) pockets included in the Tribal Sub-Plan should be considered for notification as Scheduled Areas subject to conformity with the established standards.*

The parameters for further inclusion of non-Scheduled Areas within the ambit of the Fifth Schedule were debated by the central and State Governments and action taken in this regard subsequently. Extension of areas under the TSP had the objective to ensure that tribes are not denied the protections offered by the Constitution and other legislations pertaining to Scheduled Areas. However, still there are areas which need to be considered for inclusion. Given the onslaught of global market forces on tribal lands, the extension of such provisions is of the utmost importance and urgency.

The tribal majority States in the North East are compact and viable units, whose plans in effect are plans of tribal development. No separate area development plans for tribals for these States are necessary".- **LP Vidyarthi , Chairman,Task Force on Tribal Areas**

If you try to understand the coverage of the TSP under constitutional category of states it will be confusing. As you know the TSP is not applicable to states where tribals represent more than 60 per cent of the population. However, Sub-divisions and later Blocks with more than 50 per cent of tribal populations were treated as areas of tribal concentration. In respect of the areas where the tribal population was of lower density this norm was relaxed with a view to covering a reasonable proportion of tribal population. Thus minimum Scheduled Tribal population threshold of about 20,000 was adopted in delineating TSP Areas in Maharashtra, Andhra Pradesh and Assam. In the case of Tamil Nadu and Kerala the population norms were further reduced to the ST population of about 10,000. In West Bengal and Tripura, groups of village with more than 50 per cent concentration of Scheduled Tribe population were included under the Sub-Plan Strategy. In Uttar Pradesh and Karnataka, where the ST population is dispersed and small, family based approach was adopted. On the basis of these criteria the TSP covers 22 states and 2 UTs. The population criteria explain why the TSP is not applicable to the tribal majority States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland and in the UTs of Lakshadweep and Dadra & Nagar Haveli, because tribals represent more than 60 % of the population in these states.

Source of Finance under TSP Approach

The TSP approach envisages integrated development of tribal communities. The TSP strategy is not an alternative to general national/State Plan. It is in addition to what percolates from the overall Plan of a State/UT. The benefits given to the tribals and tribal areas of a State or UT from the TSP are additional in nature. But it forms a part of annual Plan of a State/UT and thus complements to it.

That the TSP programmes complements to general plan programmes can be understood from an example. The government launched Operation Blackboard in 1987 and the National Literacy Mission in 1988. Complementing this work, the government launched in 1990-91, under its tribal division, fresh Ashram Schools from the primary to secondary level in Tribal Sub-Plan areas with an equal fund sharing arrangement between Centre and the States.

The funds provided under the Tribal Sub Plan are at least in proportion to the Scheduled Tribe population of each State or UT. Similarly, all Central Ministries had to provide funds, in proportion to the population of Scheduled Tribes at the all India level. The funds flow from four sources: (1) State plan; (2) Central Ministries; (3) Special Central Assistances (SCA) and (4) Institutional finance.

The funds for the Tribal Sub-Plan areas flow from the general State plan outlays. Subsidy component for family and community oriented schemes is paid from the State Government Funds and the loan component is provided by Financial Institutions. Special Central Assistance is given in the form of Block grants. As you know special programmes were formulated and implemented for the extremely backward groups, the primitive tribal groups

to be specific. So the programmes and schemes for them were financed 100 per cent by the Government of India.

The central sources include the first proviso to Article 275(1) of the Constitution. This provision makes it obligatory on the part of the Union Government to provide financial allocation from the Consolidated Fund to (i) raise the level of administration in TSP areas, and (ii) implementation of the schemes meant for tribals. Occasional financial assistance is also given by the Union Government for development of essential institutional infrastructure including residential accommodation and compensatory allowance for the Government functionaries working in the remote tribal areas.

Since 1997-98, it has been decided to utilize a part of the funds under Article 275(1) of the Constitution for setting up 100 Model Residential Schools (named as Eklavya Vidyalaya) from class 6th to 10th in States & UTs for tribal students. For this purpose, an amount of Rs.150.00 crores was earmarked during the 9th Five Year Plan out of the funds available under Article 275(1) of the Constitution. The objective of setting up of the Eklavya Vidyalayas is to provide quality education to the tribal students. Eklavya Vidyalayas were sanctioned to 22 States upto 31/03/2014 since the beginning and 120 Schools are reported to be functional.

A fixed grant under the second proviso to Article 275(1) of the Constitution (Non- Plan) has been given to the Government of Assam in respect of the administration of tribal areas in the hill districts of North Cachar and Karbi Anglong.

A total of 28 Central Ministries/Departments have been identified for differentiated earmarking of Plan funds under TSP. The other Ministries/Departments are also requested to make efforts for providing allocation for TSP on voluntary basis.

However, funds meant for UTs are being provided for in the budget of Ministry of Home Affairs since 2003-04 and therefore, the Ministry of Tribal Affairs is not concerned in the administration of TSP funds in the UTs.

It is reported that at the beginning the TSP project began with pooled funds garnered from various sources. Separate sub-heads for TSPs were also introduced in State Budgets at approximately the same time. In 2010, the Planning Commission laid down differentiated Ministry/Department-wise earmarking of Plan funds under TSP. It also improved follow up with States and Central Ministries. As a result, in recent years, i.e., 2010-11 onwards, the total outlays available for TSP, in nominal terms, have increased substantially. Central outlay for TSP has increased in recent years but continues to be less than the share of STs in total population.

From the Year 2011-12 onwards, the Planning Commission has made a classification of Central Ministries/Departments for the purpose of TSP and from the responses received so far, no Ministry/Department has expressed any difficulty in segregation of TSP component

during 2011-12. However, the Department of Rural Development has indicated no specific earmarking of funds for TSP can be made under the Mahatma Gandhi Rural Employment Guarantee Scheme, as it is a demand driven programme. The requirement of funds and employment generation will depend on demand for work from the job card holders.

It is important for you to know that TSP funds are non-divertible and non-lapsable. Diversion of outlays quantified and earmarked for the Tribal Sub Plan is not permitted. Moreover, unspent amount of the TSP programmes in a given financial year is allowed to be carried over to the next financial year without any fear of being lapsed.

Areas of Special Central Assistance Funds

Funds under SCA to TSP are released for economic development in the following areas and for the following population: -

- a) ITDP/ITDA areas (194 Nos.), which are generally contiguous areas of the size of at least tehsil or block or more in which the ST population is 50% or more of the total population;
- b) MADA pockets (259 Nos.), which are identified pockets having 50% or more ST population with a minimum population of 10,000;
- c) Clusters (82 Nos.), which are identified pockets having 50% ST population with a minimum population of 5,000,
- d) Particularly Vulnerable Tribal Groups (PTGs), characterized by a low rate of growth of population, pre-agricultural level of technology and extremely low level of literacy;
- e) Dispersed tribal population - those tribals who fall outside the categories at Sl No.(a) to (d) above.

The Ministry provides 100% grant-in-aid to State Governments from the SCA funds made available to the Ministry for the purpose annually by the Planning Commission. Funds to the level of Rs. 15.00 lakhs per village under the programme for Development of Forest Villages were also provided (under Xth Plan) as an extension of the Special Central Assistance to Tribal Sub- Plan (SCA to TSP). Government has decided that an additional funding upto Rs. 15.00 Lakh each would be provided to all those forest villages which have availed the first phase funding during the Xth Plan. Below are given a list of Centrally Sponsored Schemes and Central sector Schemes by the Ministry of Tribal Affairs for development of Scheduled Tribes for which 100% grant is given to States and UTs.

Centrally Sponsored Schemes

- (i) Post-Matric Scholarship for STs /Book Bank
- (ii) Upgradation of Merit of ST Students
- (iii) Pre matric scholarship for ST students
- (iv) Girls Hostels
- (v) Boys Hostels

- (vi) Establishment of Ashram Schools
- (vii) Research and Training
- (viii) Information and Mass Media
- (ix) National Tribal Affairs Awards
- (x) Centre of Excellence
- (xi) Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes
- (xii) Organisation of Tribal Festival
- (xiii) Exchange of visits by Tribals
- (xiv) Monitoring and Evaluation
- (xv) Information Technology
- (xvi) Lump-sum Provision for N.E.

Central Sector Schemes under which 100% Grant is given to States and UTs

- (i) Grants-in-Aid to Voluntary Organisations
- (ii) Special Incentives to NGOs performing exemplary tasks
- (iii) Coaching & Allied Schemes
- (iv) Vocational Training in Tribal Areas
- (v) Strengthening of Education among ST Girls in Low Literacy Districts
- (vi) Market Development of Tribal Products/ Produce (Tribal Cooperative Marketing Development Federation of India Ltd. (TRIFED))
- (vii) State Tribal Development Cooperative Corporation for Minor Forest Produce
- (viii) Development of Particularly Vulnerable Tribal Groups (PVTGs)
- (ix) National Scheduled Tribes Finance & Development Corporation
- (x) Rajiv Gandhi National Fellowship for ST Students
- (xi) Scheme of Institute of Excellence/ Top Class Institute
- (xii) National Overseas Scholarship Scheme
- (xiii) Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of value Chain for MFP
- (xiv) World Bank Project- Improving Development Programmes in the Tribal Areas.

The TSP approach definitely was an improvement over the earlier TD Block approach and CDPs. But it has also limitations. You can observe that it did not have substantial impact on the economy and life of some sections of tribal population. Even today, poverty continues to be the greatest problem amongst majority of the tribal people. So far, it could not guarantee the tribals to eliminate the exploitation at all levels and alleviate poverty. It failed to mobilize the tribal population at large to participate in the decision making process or in the formulation or implementation of the plans and programmes. There is lack of sincerity in implementation. Even in most of the tribal development programmes, tribal councils have not been involved.

2.5.2 Particularly Vulnerable Tribal Groups (PVTGs)

From Fifth Five Year Plan, the category of Particularly Vulnerable Tribal Groups (PTGs) has been created as development strategy under Special Central Assistance Scheme. In Ninth Five Year Plan another approach, namely Development of Particularly Vulnerable Tribal Groups (PVTGs) under Central Sector Scheme has been introduced. Both the schemes are implemented through the Integrated Tribal Development Projects (ITDPs)/Integrated Tribal Development Agencies (ITDAs), Tribal Research Institutes (TRIs) and Non Governmental Organizations with the necessary motivation and competence. The State Government concerned is responsible for the proper execution, implementation, supervision and coordination of the schemes including the selection of NGOs. In addition to these two schemes during Tenth Five year Plan, in the year 2004-05 the Ministry of Tribal Affairs (MoTA) has introduced *Janashree Beema Yojana* of the Life Insurance Corporation of India to provide insurance cover to the earning members of each PTG family throughout the country.

As you know the PTGs is a sub-category of the Scheduled Tribe category. The distinction between PTGs from within the STs is a matter of degree of development. In other words, PTG is an administrative category used for those Scheduled Tribe communities who were identified as more isolated from the wider community and who maintain a distinctive cultural identity. The Shilu Ao Committee constituted by the Planning Commission in 1969 had observed that the impact of planned 'change and development' has not been uniform on all the tribal communities. Within the Scheduled Tribes, conditions of some of the communities have not improved. They remained extremely backward and some of them continued to be in the primitive food gathering stage. In view of this, in 1973, the Dhebar Commission created Primitive Tribal Groups (PTGs) as a separate category, who are less developed among the tribal groups. In 2006, the Government of India renamed the PTGs as Particularly Vulnerable Tribal Groups but retained the abbreviation PTGs. In recent years the use of the abbreviation PVTGs is has gained popularity.

In view of this, in 1975 , during the Fifth Five Year Plan, the Government of India identified 52 most vulnerable tribal groups as a separate category called PTGs. The following features were considered to designate a tribe/community as particularly vulnerable group:

- a) a pre-agriculture level of technology;
- b) a stagnant or declining population;
- c) extremely low literacy; and
- d) a subsistence level of economy

Second time, on the basis of the same principle, in Sixth Plan 20 more tribes were designated under PVTGs. The number increased to 72, and in Seventh Five Year Plan to 74. In Eighth Five Year Plan one more, i.e. The Maram tribe of Manipur was included and in total we have a total of 75 PTGs, out of 705 Scheduled Tribes, spread over 17 states and one Union Territory (UT) in the country. You have already studied the distribution of PVTGs in States and UTs according to 2011 census in Section 1.1.1.1 of Paper-II.

According to Census 2001 the total population of PTGs in the country is 2,768,322. The figures for 2011 census are not available due to non-availability of population in three tribes.

But the total population figure of PTGs excluding these three tribes stands at 10,709,967. These groups are more vulnerable to hunger, starvation, malnutrition, and ill health. Some groups like the Andamanese, Shom Pan, Cholanaiakan and Sentineles are on the verge of extinction.

Development of PVTGs

Development of PVTs has two pronged approaches through financial grants. One is the Special Central Assistance through TSP. Of course this type of assistance is utilised not only for PVTGs but also for ITDP, ITDA, MADA, Clusters and dispersed tribal population. The second one is a separate 100% Central Sector Scheme for exclusive development of PVTGs which started from 1998-99 and modified in 2007-08. Under this scheme funds are made available for those items/activities, which though very crucial for their survival, protection and development of the PVTGs are not catered under any existing scheme. According to the provisions of the scheme and keeping in habitat/hamlet development approach in view, most of the state governments have formulated a Conservation-cum-Development (CCD) Plan. The Plan is formulated annually thus indicates the annual provisions for each financial year. The State governments ensure proportionate flow of financial resource for all PVTGs in their states. They also identify activities to be taken with a proper mix of interventions across the state.

The CCD scheme is extremely flexible in attending to diverse living conditions of PVTGs having specific welfare and developmental needs as relevant to their socio-cultural environment. The main objective of this plan is to provide the PTGs with developmental inputs for accelerated growth and opportunities to improve livelihood, housing, access to safe drinking water, literacy and access to roads. Therefore, the activities undertaken are: creation of infrastructure, construction of roads, educational facilities, social security through insurance policy, drinking water facilities, health facilities, agricultural development, land distribution to landless, cattle development, income generation activities, protection of tradition, etc. NGOs are given responsibility to undertake these activities.

Special Central Assistance through TSP approach provides for activities under the following schemes meant for STs and thus for PVTGs:

Tribal Research Institute

- Support to tribal research Institutes
- Scheme of Centres of Excellence

Livelihood Support

- Institutional Support for Development and Marketing of Tribal Products
- Minimum Support Price for Minor Forest Produce
- Equity support to NSTFDC/STFDCs

NGO

- Grant-in-Aid to Voluntary Organisations working for welfare of STs
- Development of Particularly Vulnerable Tribal Groups (PVTGs) under Central Sector Scheme

- Strengthening education among ST girls in a low literacy District

State Grants

- Special Central Assistance to Schemes under TSP
- Grants under Article 275 (1) of the Constitution of India
- Eklavya Model Residential Schools (EMRSs)

Education

- Vocational Training Centres in Tribal Areas
- Establishment of Ashram Schools in Tribal Sub-Plan Areas
- Centrally Sponsored Schemes of Hostels for ST boys and ST Girls

Scholarships

- National Fellowship and Scholarship for Higher Education of ST students
- National Overseas Scholarship for ST candidates
- Pre- matric Scholarship (Class IX-X)
- Post-Matric Scholarship for ST students

The Ministry prepares action plan for their all round development. It also endeavours to create awareness about the problems of the PVTGs. For example it crated theme based calendar since the year 2002-03 for wider dissemination of information on primitive tribes. The theme of the calendar of the year 2002 was Jewellery of Primitive Tribe Women, the theme for the year 2003 was Traditional Tribal Musical Instruments, in 2004 it was the Architectural Pattern of Dwelling Houses/Cottages of Primitive Tribes of different States, in 2005 it was the Traditional Dresses of the Primitive Tribes, and in 2006 it was 'Art & Crafts'. The theme of calendar for the year 2007 is 'Tribal Haats', i.e. tribal weekly markets. The calendars printed by the Ministry are distributed to Central Ministries, Embassies, State Governments, officials, NGOs and others. The calendar received appreciation from all quarters.

The Action Plan is prepared on the basis of the recommendations of the National Advisory Council (NAC) of Government of India. National Advisory Council has put responsibility on the Ministry of tribal Affairs, which in consultation with State Governments, concerned departments and stakeholders to draw up an Action Plan. The main objective is to ensure effective implementation of recommendations in the field in a time bound manner in order to address the development challenges specific to the PVTGs. These recommendations are classified under four categories. These are: (1) identification of PVTGs and assessment of their vulnerabilities; (2) recognition of rights of PVTGs, development approaches and livelihood strategies; (3) institutions for governance and service delivery; and (4) nutrition, health and education.

The specific recommendations in each broad category are as follows:

- (1) Identification of PVTGs and assessment of their vulnerabilities
 - i Ministry of Tribal Affairs (MoTA) shall facilitate specially designed census for the PVTGs which should cover, in addition to their enumeration, their status of health, education and housing.
 - ii. Prepare vulnerability indices of the PVTGs
- (2) Recognition of rights of PVTGs, development approaches and livelihood strategies

- iii Generate awareness about the vulnerabilities of the PVTGs and the need to respect, protect and recognise their rights, especially to their land and customary habits.
 - iv Monitor rigorously the status of implementation of Forest Rights Act and PESA vis-à-vis PVTGs in various States so that progress on how different States have recognised land/habitat rights of PVTGs can be tracked.
 - v. Undertake an assessment of the status of the PVTGs who have been displaced with or without compensation/rehabilitation and devise support mechanisms for ensuring their livelihoods.
 - vi. Develop livelihood strategies and design development programmes for the PVTGs that are rights-based, factor in the felt-needs of the community, take into consideration their special vulnerabilities and empower them to negotiate their livelihood concerns.
- (3) Institutions for governance and service delivery
- vii. Institutionalize participatory process within existing structures and programmes, placing PVTGs at high priority.
 - viii. Evolve effective service delivery mechanisms, working with the PVTGs to enable them to choose their development priorities on their own terms.
- (4) Nutrition, health and education.
- ix Control factors- relating to health and nutrition- that contribute to decline in population of PVTGs.
 - x. Launch a special drive to improve the educational status of PVTGs.

Grants-in-Aid under Article 275(1) as 100 per cent financial assistance is being provided to the states through the nodal Ministry of Tribal Affairs.

2.5.3 Integrated Tribal Development Projects (ITDP)

As you know, the new plan placed priority over local needs and utilisation of local resources. Accordingly sub-plans were formulated for viable project areas considering local resources and local needs. The sub-plan areas were termed as Integrated Tribal Development Projects (ITDP). It was envisaged that these ITDPs would bring about all-round integrated development of the particular region under a well conceived sub-plan implemented by centralised authority. It was also envisaged that all the funds of the different departments and agencies to be channelized through the centralised project authority, which would spend them in different blocks under its jurisdiction.

Historical background knowledge will help understand the significance of ITDP, the activities covered by it and other issues related to it. In December 1973, the Planning Commission issued guidelines to the State Governments on the preparation of sub-plans for

tribal regions within the State Plan. These guidelines were followed by a note of the Ministry of Home Affairs on the preparation of Integrated Tribal Development Project Reports (ITDP). This note also provided a format for ITDP reports. A look at the format will reveal the meticulous manner in which the reports were envisaged to be prepared. It suggested contents for each Chapter covering the areas of

- i. project resume;
- ii. problems and earlier attempts at the solution;
- iii. potential for development;
- iv. resources and perspective for development
- v. project in outline;
- vi. protective measures including legal frame and time – bound programmes;
- vii. agriculture and allied sectors;
- viii. forestry and forest based programmes;
- ix. credit and marketing;
- x. irrigation and power;
- xi. communications;
- xii. education;
- xiii. health services and rural water supply;
- xiv. handicrafts and house hold industries;
- xv. industries and mining;
- xvi. special groups: (i) isolated groups; (ii) tribals affected by major industrial projects; (iii) tribals affected by irrigation projects;
- xvii. personnel policies and administrative structure.

Also, supporting maps to facilitate easy identification for location of services were to be included in the ITDP reports.

Do you know the Integrated Rural Development Programme (IRDP) strategy for rural development was suitably modelled for tribal development and named as Integrated Tribal Development Programme (ITDP)? In fact MADA and ITDP were dimensions of sub-plan policy of general plan programmes namely Integrated Rural Development Programme (IRDP) and National Rural Employment Programme (NREP). The main objective of ITDP programmes was poverty alleviation and raising a substantial number of families above the poverty line by implementing family oriented schemes. In view of this, in sub-plan areas schemes relating to agriculture, animal husbandry, fishing, sericulture, etc, were extensively introduced. Besides, abolition of the practices of exploitation, land alienation, indebtedness and bonded labour were equally emphasised as important objectives of the sub-plan approach.

The staffing pattern for the ITDP consisted of an I.A.S. Officer as coordinator of different specialists at Project level. These specialists are Project veterinary officer, Project Agricultural Officer, Project Officer, etc. The responsibility for the implementation of the Sub-Plan rested on the staff. The sub-plan envisaged an Advisory Board consisting of heads of all departments at district level and local members of the legislatures. It prescribed for the District Collector as the Chairman of the Advisory Board and the Project Officer as the Secretary.

Thus, ITDP formed the unit of planning, fund disbursing and supervisory body. But the programmes were to be implemented by the existing Block organisation. Thus even after the

inception of ITDP, the actual implementation vested with the staff of the Tribal Development Blocks.

2.5.4 LAMPS (Large Area Multipurpose Cooperative Societies)/State Level Cooperatives/Federations

LAMPS were organised in tribal areas under tribal sub-plan approach during Fifth Plan period. These were organised to fulfil the following objectives:

- to provide consumption and production credit to tribals;
- to purchase surplus farm and forest produce; and
- to meet consumers need and farm inputs.

LAMPS were set up by converting the existing and working primary agricultural cooperative societies (PACS) or by organising new ones at Panchayat level or Block level. LAMPS were set up as an alternative to traders so far as procurement and marketing of Minor Forest Produce (MFP) was concerned. It is a ground level agency for collection of, procurement and marketing of MFP.

A number of stage level agencies were set up in various names such as State Forest Development Corporation, Tribal Development Cooperative Corporations or Trade and Development Federation. These were set up for the collection, procurement and marketing of MFP. They have their own collection centres. But LAMPS also employ private contractors for collection of MFP from primary collectors, the tribals.

The state agencies organise only nationalised items of MFP and are also responsible for storing, processing and marketing of MFP. They fix collection prices and make payment to primary collectors. The main purpose behind establishing these state level government agencies in cooperative sector was to protect tribals from the exploitation of money lenders, traders, contractors and other middlemen.

It is for your information that LAMPS was not the first initiation towards cooperative strategy for tribal development. Many states have initiated such strategies before it. The Girijan Cooperative Corporation, for example, is the first of its kind in the country established in 1956 by the Government of Andhra Pradesh exclusively for socio-economic uplift of the tribals of the state by protecting them from exploitations and by undertaking different activities. Its primary purpose was to protect the tribals from the exploitation of the middle men, money lenders, petty traders and to establish a mutually beneficial relationship between the tribes and rest of the world.

Though in Arunachal Pradesh LAMPS was established in 1977-78 as primary outlets, the cooperative movement in the state had started much earlier. It is for your information that the Chowkham Cooperative General Stores Ltd. and the Namsai Cooperative General Stores Ltd. were opened as early as 1959. In 1978 the Namsai Cooperative General Stores Ltd. was re-designated as the Namsai Large Sized Multi-Purpose Cooperative Society Ltd. Elwin informs that the first Cooperative Society started in 1955 in Pasighat.

2.5.5 TRIFED (Tribal Co-operative Marketing Development Federation of India Ltd.)

It is a national level apex government agency engaged in collection, storage, processing and marketing of MFP. It was established on 6th August, 1987 under Multistate Cooperative Society Act, 1984 by the Ministry of Welfare, Government of India. Presently it is functioning under the Ministry of Tribal Affairs, Government of India. This was organised with the objectives of

- institutionalising the trade of MFP and surplus agricultural produce collected cultivated by the tribals;
- ensuring remunerative prices for tribal produce-forest and agricultural;
- providing for marketing infrastructure for both national and international sales; and
- adding value to tribal produce in tribal area as far as possible.

In order to achieve its objectives TRIFED has established a wide network of regional offices, retail outlets and State Government Organisation's Show Room located at various places in the country. It also works as an agency to the Food Corporation of India (FCI) for procurement of wheat and rice. It organises Tribal Craft Expo called 'Aadishilp', painting exhibition called 'Aadi Chitra'; OCTAVE for the North-eastern Artisans and Tribal Artisan *Melas* to facilitate the sale of their produce.

2.5.6 Hills Area and Border Area Development Programmes

There are two approaches of area development which are not exclusively meant for the tribes. These are the Hill Areas Development Programme (HADP) and the Border Area Development Programme (BADP). The Hill Areas Development Programme is in operation since the inception of the Fifth Five Year Plan in the Designated Hill Areas. The Border Area Development Programme (BADP) is in operation since 1987 beginning with India-Pakistan border. Funds are allocated during five year plans for implementation of these programmes.

Programmes and schemes under these approaches are meant for all population in the identified area. But in most of the border and hill areas the inhabitants largely belong to ST groups. Therefore, the approaches though have area development perspective apparently help in the development of tribes living in those identified areas.

Hill Areas Development Programme (HADP)

The hill areas of the country are classified under two broad categories:

- (i) Areas which are co-extensive with the boundaries of the State or Union Territory, These include Jammu and Kashmir, Himachal Pradesh, Sikkim, Manipur, Meghalaya, Nagaland, Tripura, Arunachal Pradesh and Mizoram.
- (ii) Areas which form part of a State and are 'Designated Hill Areas'

The following areas in the country form the second category of hill areas.

- a. Two hill districts of Assam - North Cachar and Karbi Anglong
- b. Eight districts of Uttar Pradesh - Dehradun, Pauri Garhwal, Tehri Garhwal, Chamoli, Uttar Kashi, Nainital, Almora and Pithoragarh.
- c. Major part of Darjeeling District of West Bengal.

- d. Nilgiri District of Tamil Nadu.
- e. 163 talukas of Western Ghats area comprising parts of Maharashtra (62 talukas), Karna-taka (40 talukas) Tamil Nadu (29 talukas), Kerala (29 talukas) and Goa (Stalukas).

The responsibility for balanced social and economic development of the hill areas rests primarily with the concerned State Governments. The Hill States called 'Special Category States'.

Divisible pool is that portion of gross tax revenue which the Centre shares with the States. It includes all taxes of the central government except surcharges and cess.

The basic objective of the Hill Areas Development Programme has been socio-economic development of the hills and the people living there. The approach to development is based on the consideration of harmony with ecology of the area. The programmes, therefore, aim at promoting the basic life support systems with sustainable use of the natural resources of the designated area.

During different Plans the focus on development strategy keeps shifting. For example the programmes implemented during the Fifth Plan period were mainly beneficiary oriented. The emphasis however shifted to eco-development in the Sixth Plan. In Arunachal Pradesh resources were channelized for the development of infrastructure. Later on activities implemented aimed at modernising productive sectors like agriculture, horticulture, small scale industries at household, cottage and village levels.

Pattern of Funding: It is for your information that the Centre shares tax revenue with States from divisible pool. As you know some hill states have been categorised as Special category states. This means states other than Special category States are Non- Special Category States.

The amount required for giving Central assistance for development plans of the Special category States is pre-empted from the divisible pool before making allocations from it to 'Non-Special Category States'.

The Special Central Assistance (SCA) provided for the HADP is additive to normal State Plan funds. The state prepares a separate Sub-Plan for the hill areas in it indicating the flow of funds from the State Plan. So, SCA is not meant to be utilised for normal State Plan activities. The schemes under the HADP are to be properly conceived and integrated with the State Plan schemes to achieve the specific objectives of these programmes and need not be merely conventional State Plan schemes.

Border Area Development Programme (BADP)

The Border Area Development Programme (BADP) was introduced during Seventh Five Year Plan as a Centrally Sponsored Scheme. The Programme envisages covering all the villages on priority which are located within the 0-10 Km of the International Border. Only after saturation of 0-10 km villages, State Governments may take up the next set of villages within the 0 20 Km distance and so on. Initially, the programme was implemented in the Western Border States. Its initial emphasis was on the development of infrastructure to facilitate the deployment of Border Security Force. Later, scope widened to include other socio-economic aspects such as education, health, agriculture and other allied sectors. During

the eighth five year plan in 1993-94, the coverage was extended to include the Eastern States that shared a border with Bangladesh. At present the programmes is in operation in border districts of 17 States viz. Arunachal Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Sikkim, Tripura, Uttar Pradesh, Uttarakhand and West Bengal,

The implementation of BADP scheme was on participatory and decentralized basis through the Panchayati Raj Institutions, Autonomous Councils and local bodies. The main objective of BADP is to meet the special developmental needs of the people living in the remote and inaccessible areas situated near the international border. The aim is develop border areas with the entire essential infrastructure through convergence of all Central, BADP, State and Local schemes. Primarily the objectives aim at

- creation of infrastructure in border areas;
- providing economic opportunities to people living in the vicinity of the border; and
- instilling a sense of security among the people living in border areas.

Schemes under this programme include the following:

- **Infrastructure (I)**

Construction and strengthening of approach roads, link roads bridges, culverts, foot bridges, Foot Suspension Bridges, foot paths, pathways, ropeways, Steps/masonry steps, helipads in hilly and inaccessible areas having no road connectivity.

- **Infrastructure (II)**

Safe Drinking Water Supply.

- **Other Infrastructure**

1. Development of infrastructure for weekly haats/bazaars and also for cultural activities etc. in border areas.
2. Creation of new tourist centers.
3. New & Renewable electricity- Bio gas/Biomass gasification, Solar & Wind energy and Mini Hydel Projects systems or devices for community use and related activities.
4. Development of infrastructure for Industries - Small Scale with local inputs viz hand loom, handicraft, furniture making, tiny units, black smith works etc. and food processing industry.
5. Retaining walls in hilly areas to protect the link roads, public buildings;
6. Drains/Gutters as a part of water disposal system etc.
7. Protection of heritage sites.
8. Promotion of Rural Tourism/Border tourism.

- **Health**

9. Construction of houses for Doctors, paramedics and other officials engaged in health sector in border villages.
10. Building infrastructure (PHC/CHC/SHC).
11. Provision of medical equipments of basic/elementary Type.
12. X-Ray, ECG machines, equipment for dental clinic, pathological labs. etc. can also be purchased.
13. Setting up of mobile dispensaries/ambulances in rural areas by Govt.! Panchayati Raj Institutions including Tele medicine.

14. Construction of Boundary walls/barbered wire fencing around HSCs/dispensaries in border villages.

Agriculture and allied sectors

15. Animal Husbandry & Dairying.
16. Pisciculture.
17. Sericulture.
18. Poultry farming/Fishery/Pig/Goat/Sheep farming.
19. Farm forestry, horticulture/floriculture.
20. Construction of irrigation embankments, or lift irrigation or water table recharging facilities (including minor irrigation works).
21. Water conservation programmes.
22. Social Forestry, parks, gardens in government and community lands or other surrendered lands including pasturing yards.
23. Veterinary aid Centers, artificial insemination Centers and breeding Centers.
24. Area specific approach keeping in view the economy of Scale - Backward/Forward integration.
25. Skill development training to farmers for the use of modern/ scientific technique in farming.

Social Sector

26. Construction of community centers.
27. Construction of Anganwadies.
28. Cultural Centers /Community Halls.
29. Construction of common shelters for the old or Handicapped.
30. Construction of Transit Camps/staging huts/waiting sheds/rain shelters with toilets. Kissan sheds with toilets at the gates of fencing etc.
31. Construction of boundary walls/barbed wire fencing around public buildings including anganwadies.
32. Rural Sanitation/Toilet blocks in border villages particularly for women and public places including in slum areas and in SC/ST habitations and at tourist centers, bus stands etc. Thrust should be on separate toilets particularly for women.
33. Swachh Bharat Aabhiyan in border villages.
34. Capacity building programme by way of vocational studies & training for youth for self-employment and skill up gradation of artisans, weavers, farmers etc. skill development in Tourism and hospitality, etc. focused attention should be given to women workers.
35. Provisions for civic amenities like electricity, water etc.

Education

36. Construction of houses for Teachers and other officials engaged in education sector in border villages.
37. Primary/Middle/Secondary/Higher secondary school buildings (including additional rooms).
38. Construction of hostels/dormitories, Public libraries and reading rooms.
39. Construction of computer labs with necessary infrastructure and internet connectivity, Construction of science labs with necessary infrastructure.
40. Construction of residential schools and construction of hostels in existing in Hilly areas and remote and inaccessible areas, wherever feasible.
41. Construction of school/strengthening of infrastructure in existing schools such as rooms, laboratories, computer rooms, sports facilities, hostel accommodation etc. for girls.

42. Construction of toilets in schools including toilets for girls.

In Arunachal Pradesh the Border Area Development Programme was started in the year 1997-98 initially for the Indo-Myanmar Border of the State with a provision of Rs.400.00 lakh. From 1998-99 the programme was extended to the international borders of Indo-China and Indo- Bhutan also with a view to meet the special needs of the people and to remove the critical gaps in physical and social infrastructural needs and promotion of sense of security amongst the local population living in the border blocks.

District Committees, constituted under the chairmanship of respective Deputy Commissioners, are involved in formulation of viable projects/schemes. The Ministry of Home Affairs releases the fund in two instalments to the State Government. The fund is allocated to the concerned Implementing Deputy Commissioners and the Para-Military Forces, viz, Assam Rifles, SSB, ITBP and the Arunachal Police for implementation of need-based schemes approved by the State Level Screening Committee. The outlays proposed for 11th Plan under this programme is Rs.24505.00 lakh and that for Annual Plan 2007-2008 is Rs. 4901.00 lakh. Arunachal Government approved an amount of Rs.214, 86,889 as the share of the State during the year 2017-2018 for schemes under BADP.

Check Your Progress-V

Correct the following statements

1. TSP is in operation in states under Fifth Scheduled of the Constitution.
2. Activities undertaken in TSP programmes are financed by respective states.
3. Special Central Assistance is exclusively meant for the development of PVTGs.
4. Post-matric scholarship for STs is state sponsored scheme.
5. PVTGs do not belong to ST category.
6. Centre provides grants-in-aid to States under the provisions of the Article 244 (1).
7. PVTGs were listed during Sixth Five year Plan for the first time.
8. State Forest Development Corporation can employ private contractors for collection of MFP from primary collectors, the tribals.
9. NSFDC organises Tribal Craft Expo called 'Aadishilp'
10. The Border Area States are called 'Special Category States'.
11. The Border Area Development Programme (BADP) was introduced during Fifth Five Year Plan as a Centrally Sponsored Scheme.
12. The implementation Hill Areas Development Programme (HADP) was on participatory and decentralized basis through the Panchayati Raj Institutions, Autonomous Councils and local bodies.

2.6 Let us sum up

Going through this Unit you have learnt that

- *India embarked upon Five Year Plans after Independence for a rapid socio-economic development.*
- *The Planning Commission of India was responsible for formulation of Five Year Plans.*

- *Core of the Five Year Plans was economic planning.*
- *The era of Planning Commission ended after Twelfth Five Year Plan and it was replaced by NITI Ayog.*
- *During Five Year Plans each Five Year Plan had focus on the growth of a particular sector combination of sectors. For example, priority of the First Five Year Plan was agricultural growth and of the Second Five Year Plan industry.*
- Approach on Five Year Plans for tribal development was different from the general Plan programmes.
- Objectives were both short term and long term objectives. Short term objectives emphasised on priority sectors during a Five Year Plan. Long term objectives included growth-economic, sustainable, participatory and inclusive; social justice; empowerment; self-reliance, etc. Long term objective evolved over times.
- On the basis of perspective approach of Five Year Plans tribal development broadly passed through three stages, namely formative, constructive and critical stage of integration.
- Primarily integration was the basic criterion of approach to tribal development.
- The approach was selective and very gradual during first four Five Year Plans. Programmes were ad hoc in nature. The period was formative stage in the sense that planners learnt the needs and problems of tribals and many tribal communities were introduced to formal development process.
- The approaches and strategies adopted include: Community Development Programme, Multipurpose Tribal Blocks, Tribal Development Block, Special Multi-Purpose Tribal Development Blocks and Tribal Development Agencies
- Next three Five Year Plans extended development programmes to cover all tribal areas with comprehensive plan strategy known as Tribal Sub-Plan.
- Tribal Sub-Plan (TSP) had components like ITDP, MADA, Clusters and PVTGs.
- TSP was not applicable to tribal states like Arunachal Pradesh, Mizoram, etc.
- Schemes for tribal development were mostly Centrally Sponsored Schemes
- For PVTGs the Conservation-cum-Development (CCD) Plan included Central Sector Schemes formulated by respective States annually. In addition TSP was also in operation under TSP through Special Central Assistance.
- Various Committees and Commissions made recommendations which were considered various Plans.
- During Seventh Five Year Plan TRIFED and NSFDC were set up for providing financial and market facilities.
- From Eighth Five Year Plan India launched New Economic Policy and approached development process through liberalisation, privatisation and globalisation.
- The period from Eighth to Twelfth Five Year Plans is categorised as stage of critical integration for tribal development. During this period tribal development was approached in the line of global development perspectives like inclusive growth, empowerment, equality etc. to achieve national development goals with special focus on priority areas of the tribals.

- During third stage tribal friendly acts like PESA, 1996 and FRA, 2006 were enacted. The Ministry of Tribal Affairs became an independent Ministry. The focus was on economic, health, education, and infrastructure development to achieve inclusive growth and social justice.
- Area approach to tribal development lies at the core as is evident from TSP, BADP and HADP along with TDA, SMPT programmes

2.7 Keywords

Adhoc:	The need at a particular time; in terms of policy it refers to actions, programmes or decisions taken for the purpose of attending to immediate needs
Constructive Stage:	The period from Fifth to Seventh Five Year Plans with comprehensive tribal development policy and coverage of all tribes. This is also a preparatory stage before integrating tribal development to a greater extent with national development
External economies:	This is a concept used by Alfred Marshall. The concept is short form of <i>external economies of scale</i> . This concept is in contrast to <i>internal economies of the scale</i> . The later simply means benefit occurring to a firm due to internal change of the firm. The former means benefits occurring to a firm owing to large changes outside the firm.
Formative Stage:	The first four Five Year Plans characterises by adhoc nature of tribal development programmes
Inclusive growth:	Refers to equitable growth for participants in the process of economic development by sharing benefits by every section of society. It includes provisions of equality of opportunity by empowering people through education and skill development
Rolling Plan:	Formulation of plan every year, by assessing the performance of the preceding year; it includes current year plan, a plan for a fixed number of years ranging from 3 to 5years and a perspective plan for a longer period of 10 or more years

- State of Critical Integration:** The period from Eighth Five year Plan, beginning with the launching of New Economic Policy, to Twelfth Five year Plan. Tribal development integrated to the perspectives of New Economic Policy.
- Take off Stage:** A stage at which economic forces self-sustain the process of economic development. It is a stage of self reliant growth and sector led growth becomes common. The society is driven more by economic process than traditions. This one of the stages in development process suggested by W.W.Rostow
- Tribal Sub-Plan:** A part of Annual Plan of a State/ Union Territory applicable to states where tribals represent more than 60% of the population. It is in addition to the overall plan of the State/UT.
- Rostow's stages of economic growth:** W.W. Rostow classified the process of economic development into the following stages: traditional society, transitional society, take off, drive to technological maturity and high mass consumption. USA economy is in the last stage of high mass consumption. India is moving towards technological maturity

2.8 Probable Questions

Short Answer Questions

1. What was the thrust area of First Five Year Plan?
2. What were the main objectives of Five Year Plans?
3. Why there were annual and rolling plans in between some Five year Plans? Discuss.
4. State the reasons of annual plans between 1966 and 1969.
5. Mention the main stages of Five year Plans. List the Plans in each stage?
6. What was the nature of formative stage? Discuss.
7. Discuss the objectives of Five Year Plans in constructive stage.
8. What was the nature of earlier plans? Discuss.
9. Enumerate the recommendations of the Shilu Ao Committee.
10. Write a brief not on area development approach to tribal development.
11. What is MADA? Discuss its role in tribal development.
12. Briefly examine the role of Community Development Programmes in tribal development.

Long Answer Questions

1. Critically examine the approaches to tribal development in formative and constructive stages.
2. Make a critical analysis of the need of policy shift after four Five year Plans?
3. Write short notes on (i) TRIFED (ii) LAMPS and (iii) ITDP
4. What are BADP and HADP? Discuss their objectives and significance.
5. Critically examine Tribal Sub-Plan approach to tribal development.
6. Compare and contrast the policy thrusts of different Five year Plans.
7. What is a Tribal Development Agency? How does it differ from Community Development Programmes and Tribal Development Blocks? Examine critically.
8. Write a note on Plan Programmes in Arunachal Pradesh.
9. Discuss the sources of finance to tribal development projects during Five year Plans.
10. Critically examine development of PVTGs.

2.9 Answers to Check Your Progress

Check Your Progress-I

1. The Planning Commission
2. 12
3. ad hoc
4. Eighth
5. NITI Ayog
6. top-down/bottom up

Check Your Progress –II

1. 1951
2. 12
3. Twelfth
4. No, it is not adopted in tribal states like Arunachal Pradesh.
5. Fifth Five Year Plan

Check Your Progress –III

1. Socialist pattern of society
2. Integration
3. Community Development Programmes (CDP)
4. Special Multi-Purpose Tribal Development Block (SMPT)
5. Elwin Committee and Dhebar Commission
6. Tribal Development Blocks
7. Economic development, education and health, housing and communication.
8. Third Five Year Plan
9. Crash Special Nutrition Programmes and Crash Employment Programmes.
10. Agriculture

Check Your Progress –IV

1. True.
2. False
3. False
4. False
5. True
6. False
7. False
8. True
9. True
10. False
11. True
12. True

Check Your Progress-V

1. TSP is in operation in states which fall under Fifth Schedule, Sixth Schedule and Special Category of States.
2. Activities undertaken in TSP programmes are financed from (1) State plan; (2) Central Ministries; (3) Special Central Assistances (SCA) and (4) Institutional finance.
3. Central Sector Schemes are exclusively meant for the development of PVTGs.
4. Post-matric scholarship for STs is centrally sponsored scheme.
5. PVTGs is a components of ST category.
6. Centre provides grants-in-aid to States under the provisions of the Article 275(1).
7. PVTGs were listed during Fifth Five year Plan for the first time.
8. LAMPS can employ private contractors for collection of MFP from primary collectors, the tribals.
9. TRIFED organises Tribal Craft Expo called 'Aadishilp'
10. The Hill States are called 'Special Category States'.
11. The Border Area Development Programme (BADP) was introduced during Seventh Five Year Plan as a Centrally Sponsored Scheme.
12. The implementation BADP scheme was on participatory and decentralized basis through the Panchayati Raj Institutions, Autonomous Councils and local bodies.

2.10 Further Reading

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UNIT-III

CRITICAL REVIEW OF SOME TRIBAL POLICIES I

Unit Structure

- 3.1 Learning Objectives**
- 3.2 Introduction**
- 3.3 Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996**
 - 3.3.1 Provisions of PESA,1996**
 - 3.3.1.1 Salient Features of the Act**
 - 3.3.2 Impact and Implications**
- 3.4 Let us sum up**
- 3.5 Keywords**
- 3.6 Probable Questions**
- 3.7 Answers to Check Your Progress**
- 3.8 Further Reading**

3.1 Learning Objectives

After going through this unit you will be able to

- understand the role of tribal policies in the process of their integration with national development goals;
- answer the contesting questions on preservation of tradition vis-à-vis tribal integration with modern forces through different policies;
- learn various provisions of the Panchayats (Extension to Scheduled Areas Act,1996 (henceforth PESA,1996 or simply PESA);
- explain the composition and function of Gram Sabha as provided for in PESA;
- describe the advisory and consultancy role of Gram Sabha;
- explain the impact and implications of PESA;
- the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006 (henceforth FRA,2006 of simply FRA).
- define a village according to the provisions of PESA and FRA.
- compare tribe-forest relations in various forest acts;
- explain 'historical injustice' done to tribes through previous forest and conservation laws and acts;
- understand the importance of FRA, 2006 corresponding to constitutional provisions and safeguards for tribes and forest dwellers;
- discuss the procedure of recognition, restoration and vesting of forest rights on rightful claimants;
- identify the authorities at various levels involved in the process of implementation of FRA;

- critically assess implementation process of the provisions of FRA,2006;
- discuss the role of Gram Sabha in the process of implementation of the provisions of FRA;
- explain the impact and implications of FRA,2006 in various states; and
- suggest remedial measures for effective implementation and objective realisation as is envisioned in two Act.

3.2 Introduction

Tribes in India belong to historically constructed weaker sections of the society on the basis of socio-economic backwardness. This reality was well recognised by national leaders during freedom movement. So they incorporated special provisions and safeguards in the Constitution and categorised them as Scheduled Tribes. The main objective behind these provisions was to integrate the STs with national ethos within the framework of compensatory discrimination and uplift them at par advantaged section of the society. But unfortunately, quite for a long time no comprehensive policy was formulated for the STs and these people remained marginalised in the process of national development.

You will know that in the process of their integration and development their customs and practices were ignored. The approach to development was top down in practice, sectoral in coverage and macro in perspectives. In this framework of development tribal systems did not figure. As a result, their traditional practices, institutions and cultural ethos gradually declined.

In the meantime, however, there was a shift in ideological basis of understanding of different phenomena. Development ideology believed in the strategies of decentralisation, participation, sustainability, development through culture, rights based approach and the like for a people centred development, meaning development around people in contrast to earlier idea of ‘people around development’. This ideology was translated into policy options in 1980s and 1990s.

During this time civil societies became active to fill up the gap that existed between development objectives and ground realities. They also recognised the role of culture, the need for equitable development and enabling environment for participatory development. At intellectual level the movement of postmodernism got momentum in 1980s and 1990s. It developed the sense of distrust to grand theories and objective reality, challenged universalist notions, developed an attitude of rejection toward meta-narratives attributed to the ideology of modernism. Rather, it called attention to socially-conditioned nature of knowledge and emphasised on moral relativism, pluralism and subjectivism.

It is under such a background that the consciousness grew to provide legal support to the STs in order to benefit from the safeguard proved to them by the Constitution. Enactment of the Panchayats (Extension to Scheduled Areas) Act, 1996 was a first step in this regard. The

Act is a revolutionary piece of legislation. It ensures restoration of power to the ST communities along their traditional self-governing model and safeguarding their traditions, customs and community control over common property resources. The second step in this regard was enactment of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. The main objective of this act is to correct historical injustice done to the STs and other traditional forest dwellers by denying them rights over forests which they used to enjoy traditionally for livelihood needs.

In this unit, you will learn details of the provisions of these two acts and their implications.

3.3 Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996

The Provision of the Panchayat (Extension to the Scheduled Areas) Act, 1996, popularly known as PESA was enacted to bring the Scheduled Areas of the country under the purview of the Panchayat Institutions. This Act was framed in conformity with traditional tribal self-rule by entrusting extraordinary power to Gram Sabha.

You know that the 73rd Amendment Act, 1992 granted constitutional status to the Panchayati Raj Institutions (PRIs) as institutions of local self-governance for rural India. For this purpose, it inserted Part-IX in the Constitution of India entitled as the Panchayats. In part-IX, Art. 243 M (1) exempted application of Panchayati Raj structure to the Scheduled Areas under Fifth Schedule. At the same time Art. 243M (4) provided that Parliament may extend Panchayati Raj to Scheduled Areas by a law subject to such exceptions and modifications as may be specified in such law. The provision was made to avoid the conflict between statutory PRIs and traditional institutions.

The Fifth Schedule of the Constitution deals with the administration and control of Scheduled Areas as well as of Scheduled Tribes residing in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

In view of this the Government of India constituted a Committee on 10th June 1994 under the Chairmanship of Dillip Singh Bhuria, the then M.P. to make suggestions so that Panchayat law can be extended to the Scheduled Areas of the country. The Committee submitted its recommendations on 17th January, 1995. On the basis of these recommendations the Parliament passed the PESA act in 1996 to extend the provisions of Part IX of the Constitution related to Panchayati Raj to Scheduled Areas. At present, Fifth Schedule Areas exist in 10 States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. In other words, the Act is operative in these 10 states of the country.

Check Your Progress I

Fill in the blanks choosing correct answer from the racket.

1. PESA was passed in ----- (1996/2006)
2. FRA deals with provisions of -----(self governance/ forest rights)
3. Article----- (243M (1)/ 244T) barred application of the provisions of Panchayati Raj to Scheduled Areas.
4. PESA is a provision in ----(Part XI/PatrIX) of the Constitution.
5. At present there are ---- (10/12) states in Fifth Schedule Areas.

We have produced the Act below for your information.

3.3.1 Provisions of PESA,1996

From the Gazette of India, Extra Ordinary, Part II, Section I

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996No.40 OF 1996 (24th December, 1996)

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:-

Short title

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996

Definition

2. In this Act, unless the context otherwise requires, “Scheduled Areas” means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution.

Extension of part IX of the Constitution

3. The provision of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4

Exceptions and modifications to part IX of the Constitution

4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-

- (a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;
- (b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;
- (c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;
- (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;
- (e) every Gram Sabha shall
 - i. approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level;
 - ii. be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;
- (f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause(e)
- (g) the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution;

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats;

Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;

- (h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level:

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;

- (i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;
- (j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;
- (k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;
- (l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;
- (m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with-
 - (i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;
 - (ii) the ownership of minor forest produce;
 - (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;
 - (iv) power to manage village markets by whatever name called;
 - (v) the power to exercise control over money lending to the Scheduled Tribes;

- (vi) the power to exercise control over institutions and functionaries in all social sectors;
- (vii) the power to control over local plans and resources for such plans including tribal sub-plans;
- (n) the State Legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;
- (o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

Continuance of existing laws on panchayats

5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas, immediately before the date on which this Act receives the assent of the President, which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

4.3.1.1 Salient Features of the Act

From the provisions of the Act produced above you can list the salient features as under:

1. Every village shall have a Gram Sabha (GS) consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;
2. Every GS shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;
3. Every GS shall approve the plans, programmes and projects for social and economic development before these are taken up for implementation by the Panchayat at the village level;
4. Every GS shall be responsible for identification and selection of beneficiaries under poverty alleviation or other rural development programmes;

5. Gram Panchayats (GPs) shall be required to obtain certification of utilisation of funds for the plans, programmes and projects from GS;
6. The GP or GS shall be consulted before making the acquisition of land in the scheduled areas for development projects; Planning and management of water bodies shall be entrusted to the panchayats at the appropriate level;
7. Recommendations of the GS or GP shall be mandatory prior to grant of protective license or mining lease for minerals in the scheduled areas;
8. The State Legislature shall ensure that the GS and the GP are specifically endowed with
 - i. power to enforce prohibition or to regulate or restore the sale and consumption of intoxicant,
 - ii. power to manage village markets,
 - iii. power to exercise control over money lending to STs,
 - iv. power to prevent alienation of land in the scheduled areas and to take appropriate action to restore any unlawfully alienated land of a ST population,
 - v. power to exercise control over institutions and functionaries in all social sectors,
 - vi. power to control over local plans and resources for such plans including tribal sub-plans, and
 - vii. ownership of MFP,
9. The State Legislature may endow panchayats with powers and authority as may be necessary to enable them to function as institutions of self governance;
10. The State Legislature may endow panchayats with safeguards to ensure that Panchayat Samit or Zilla Parishad do not assume the powers and authority of GP or GS; and
11. State Legislature shall endeavour to follow the pattern of the Sixth Schedule of the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

Check Your Progress II

Rewrite each of the following sentences by correcting the underlined portion

1. PESA is applied to Tribal Areas.
2. 74th Amendment to the Constitution of India inserted Part IX in the Constitution.
3. PESA is enacted by the State Legislature.
4. Gram Panchayat shall safeguard and community resources.
5. Gram Sabha shall consist of only ST persons whose names are included in the electoral rolls for the Panchayat at the village level.
6. Gram Panchayats (GPs) shall issue certification of utilisation of funds for the plans, programmes and projects by GS;

7. The power to exercise control over money lending to STs is vested on the Governemnt.
8. Panchayat is a subject in the Union List.

5.3.2 Impact and Implications

The PESA 1996 is a powerful legal instrument for establishing grassroots governance in Scheduled Areas to safeguard and preserve tribal customs and traditions. This Act, applicable to Fifth Schedule states envisions autonomy, transparency, accountability and participation of STs in their own governance. The most crucial point in this Act is the power vested on GS/GP at appropriate level.

Biswas (2015) classifies this power as follows:

Mandatory executive functions and responsibilities: This refers to the approval of GS to planning and management of minor water bodies along with any plan, programme or project for implementation by the Gram Panchayat. Moreover, executive functions and responsibilities of the Gram Sabha include the authority for identification of beneficiaries of poverty alleviation and other programmes and approval of Utilization Certificate of funds by the Gram Panchayat for the above programmes.

Mandatory consultations: This refers to the provision of consulting the GS by the Panchayat at the appropriate level on the matter of acquisition of land or resettling rehabilitated persons affected by such projects.

Mandatory recommendations: This refers to recommending power of GS on the matter of granting of prospecting license or mining lease or granting of concession for the exploitation of minor minerals. Decisions on these issues can be taken after getting recommendations of the Gram Sabha or the Panchayat at the appropriate level.

As you know, PESA is a central Act, but the Panchayat is a subject of the State list. It is therefore necessary that the states having Fifth Schedule Areas enact the Conformity Act incorporating the provisions of the PESA. The passing of the Conformity Act is not a formal requirement, rather it is an obligatory exercise for the states concerned to modify various existing Acts, Rules and Regulations which have direct bearing upon the provisions of PESA. The PESA envisions participation of the STs in self-governance through GS. Therefore, effective implementation of PESA is assumed to bring not only development but to educate STs in democratic process in Fifth Schedule Areas. There are many benefits of PESA. It will enhance people's participation in decision making. The provisions of reservation and nomination of members ensure participation of the STs. As a result misuse of power by the political leadership or bureaucracy in the implementation of developmental programmes will be restricted. They will have better control over the utilisation of public resources. The power entrusted on Gram Sabha will help reducing alienation of tribal land. Control and management of natural resources, money lending, consumption and sale of liquor and

village markets will minimise exploitation and improve livelihoods and incomes of the STs of the village. As a result poverty will be reduced and out migration will be controlled. The most important impact of PESA will be in the field of promotion of cultural heritage through preservation of traditions and customs and cultural identity of tribal population.

Power of the States to enact Conformity Act has greater implications. This provision was used by States to pass Conformity Act which differed from State to State. But one common thread was the restriction put on the functioning of the Gram Sabha. Xaxa Committee, 2014 reports,

In Rajasthan, however, the meeting of the Gram Sabha is presided over by the Sarpanch of the Gram Panchayat concerned and, in his absence, by the Up- Sarpanch.

In Andhra Pradesh, the Sarpanch of the Gram Panchayat is to be the President of the Gram Sabha and only in his absence can the traditional village leader of the habitation preside. This is completely contrary to the PESA that preserves traditional methods of leadership’.

Studies (see edited volume of Ota and Patnaik, 2009) find that major issues like acquisition of land for development programmes, managing and regulating village market, control over local plans and resources and functionaries in all social sectors are conspicuously absent in the discussions at Gram Sabha meetings.

It is not a surprise to find in State Acts provisions that have reduced the authority of the Gram Sabha. For example, *Rule 5(3) states of the Andhra Pradesh Panchayats Extension to Scheduled Areas (PESA) Rules, 2011* “The Mandal Praja Parishad after considering all the facts shall make a recommendation regarding the proposed land acquisition and rehabilitation plan of persons displaced.” *Rule 9(4) of the Himachal Pradesh Panchayati Raj (Extension to the Scheduled Areas) Rules, 2011*, states that “the recommendation of the Gram Sabha shall be considered by the land Acquisition Officer.”

In Andhra Pradesh, Mandal Parishads is empowered and so it would be informed of such acquisition, displacement, rehabilitation and resettlement programmes. The PESA makes it mandatory for the government to follow recommendations of Gram Sabha and Gram Panchayat on the matter of granting mining or prospective licenses and lease of exploration of minor minerals by auction. Surprisingly, the state act practically reduces the spirit of the provision to mere consideration but not compliance.

In Himachal Pradesh, the state rules vest power in the Land Acquisition Officer to ‘consider’ the recommendation of the Gram Sabha regarding the land acquisition proposal. As a result, consultation and consent with the Gram Sabha are virtually non-existent. In Rajasthan, the state rules provide for consideration of recommendation of Gram Sabha by the Government or the concerned authority.

In Odisha MOUs for mining and industrialisation are signed between the Government and the MNCs with no participation or knowledge of the affected tribal people. This contravenes the provision of the Act that Gram Sabha is competent to safeguard and preserve their community resources. Contrary to Gram Sabha's power to prevent alienation of land the decisions to lease out tribal people's land to MNCs are enforced by the State. Even the beneficiaries are decided in the Panchayat office regardless of GS decisions.

Report of the B.D.Sharma Sub-Committee finds that many a State strategically excludes the concerned Gram Sabhas from the consultation process before acquisition of land by taking advantage of the term 'or' in the clause, which goes against the spirit of PESA. Obviously, Section 4(i) that envisages, '*the Gram Sabha or Panchayat at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas...*' is grossly violated.

Studies mentioned above also find gaps in the Act itself. The Act has not considered creating awareness level among the Gram Sabha members. As a result attendance is poor and the picture of actively involvement of members in GS or GP meeting is discouraging on the issues of identifying beneficiaries, approving socio-economic plans and programmes, and issues relating to preservation of tribal traditions and cultural practices. As a result, elected members of PRIs, who also happen to be members of the GS get an upper hand and get their agenda passed. Awareness level of women participants is so low that they never give their decisions on any matter.

As you know, section 4(d) of the Act reads, 'every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution'. But the definition of 'village' does not take into consideration the presence of multi-cultural contents of different tribes, even in the same geographical area. In such contexts, the words 'customary law', 'traditional management practices' and 'social and religious practices, convey general meaning, not tribe specific meaning. The definition of village is done in a uniform manner and thereby allows assimilation of new categories, people belonging to different ethnic groups. Such a situation would dilute the very spirit of the Act.

The Act is also silent on statutory provision to redress any dispute whether the state law is in conformity with the Central Act or not.

In view of the shortcomings at the stage of implementation of the Act by different states, it is but natural to think that the effect of the Act is curtailed. In other words, it implies proper monitoring at the level of the central government. This need is realised by the Ministry of Panchayati Raj, Government of India. So the Ministry has been making efforts to ensure effective implementation of PESA in partnership with the State Governments. It has engaged Planning Commission, other Ministries and Departments in different exercise and constituted different committees, sub-groups, working groups etc. to achieve desired results. Some of the initiatives are as follows:

- i. issuance of consolidated guidelines on implementation of PESA on 21.5.2010 to all the States having Fifth Schedule Areas;
- ii. constant reviews of the implementation of the PESA in the Schedule Areas States through visits to States, correspondence and meetings/workshops Act;
- iii. organisaiton of a National Workshop at New Delhi on February 4-5, 2016 to review the progress of implementation of PESA in States, to discuss issues and challenges being faced these states and the way forward;
- iv. financial assistance to the States with Fifth Schedule Areas to deploy PESA Coordinators at State, district and block and Gram Sabha Mobilisers at Gram Panchayat levels;
- v. publication of a Handbook on “Community Mobilisation” in Fifth Schedule Areas ;
- vi. sponsoring various research studies and action researches on themes related to the PESA;
- vii. efforts of impressing upon the States to formulate Rules for implementation of the provisions of PESA and amend the State Panchayati Raj Acts and the subject laws in conformity with PESA provisions ; and
- viii. requests to the Ministries/Departments in the Central Government for amending the Central laws in conformity with the provisions of PESA.

3.4 Let us sum up

In this unit you have learnt that

- The PESA and the FRA are only two tribal friendly acts enacted after Independence to safeguard tribal interests.
- The PESA 1996 is a powerful legal instrument envisioned to establish grassroots governance in Scheduled Areas in order to safeguard and preserve tribal customs and traditions.
- Act, 2006 (FRA) was enacted to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers. The main aim was to correct historical injustice done to STS and other traditional forest dwellers.
- The PESA envisions participation of the STs in self-governance through GS/GP. So it provides for reservation and nomination of setas for the STs at all levels of the Panchayat.
- It provides powers of mandatory executive functions and responsibilities, mandatory consultations and recommendations for GS in order to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution; prevent land alienation.
- There is a gap between conformity Act of states and the provisions of PESA that reduces the authority of GS. As a result, issues like acquisition of land for development programmes, managing and regulating village market, control over

local plans and resources and functionaries in all social sectors do not figure in the discussions at Gram Sabha meetings.

- The Act also has loopholes in defining the village in a general sense but to use in the context of tribe specific needs. The Act has also not emphasised on the importance of awareness of GS members to exercise the powers.
- In order to implement the provisions of the PESA effectively, the Ministry of Panchayati Raj, Government of India has taken up various monitoring initiatives.
- Before enactment of FRA, 2006, the forest policy of colonial and post colonial India meant for bringing forests under state control, restricting access of STs and other traditional forest dwellers to forests and maximising state revenue.
- Acts after 1952 emphasised on conservation provisions for forests and wildlife at the cost traditional communities.
- Despite some provisions for safeguarding tribal and other communities' interest in these Acts the communities suffered from various ills of marginalisation, exclusion, land alienation and displacement.
- FRA has defined forest rights and elaborated provisions to restrict violation of such rights, vest ownership rights and to follow rules strictly while diverting forests for development projects and for providing government facilities of public interest.
- The Act has laid down procedures for recognition, restoration and vesting of forest rights on STs and other traditional forest dwellers.
- The Act has also specified the authorities involved in the process of implementation and vesting rights.
- The Act states what constitutes offences and corresponding penalties.
- The Act is often amended to frame rules for clarification of provisions and smooth implementation without any ambiguity.
- Amendment of FRA Rules 2012 is the recent amendment which explains rules, defines powers and functions and has attempted to remove anomalies.
- This rule lays down provisions for the composition and power and function of Gram Sabha, Sub-Divisional Committee, District Level Committee and State level Monitoring Committee.
- The rule has laid down provisions for identification of hamlets or settlements for the purpose of implementation of the Act; filing, determination and verification of claims by Gram Sabha and procedures of recognition of forest and community rights.
- The rule also has provisions of filing petitions against any wrong decision.
- Like the provisions of PESA, FRA also suffers from the negative attitude of Forest Department and the Government. The provisions are manipulated to obstruct the functioning of the GS.
- Different states have passed Conformity Act that kills the spirit of the FRA.
- The power of GS is sidetracked while granting license or lease of forest lands to mining companies and MNCs.
- There is an urgency to provide safeguards against such violations so that the Acts achieve their objectives meaningfully.

3.5 Keywords

Community forest resource:	customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access
Conformity Act	the Act that is enacted in agreement with the provisions, procedures, practices etc. of a central Act
Critical wildlife habitat:	such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation
Forest dwelling Scheduled Tribes:	the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for <i>bona fide</i> livelihood needs and includes the Scheduled Tribe pastoralist communities
Forest land:	land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks
Forest rights:	includes right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers; community rights including rights of uses or entitlements; right of ownership; rights in or over disputed lands; rights of settlement and conversion of all forest villages, into revenue villages; right to protect, and preserve any community forest resource for sustainable use and so on.
Forest villages	the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were

	converted into forest villages through the forest reservation
Gram Sabha:	a village assembly which shall consist of all adult members of a village
Habitat:	the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes
In-situ	in the original place/position
Minor forest produce	all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like
Postmodernism	intellectual tradition of emphasising socially-conditioned nature of knowledge claims, moral relativism, pluralism and subjectivism by rejecting grand theories, meta-narratives objective reality, and challenging universalist notions of modernism
Scheduled Areas:	Those areas listed in Fifth Schedule under Art.244(1) and inhabited predominantly by STs
Sustainable use	use of components of biological diversity by maintaining its potential to meet the needs and aspirations of both the present and future generations
Other traditional forest dwellers	means any member or community who has for at least three generations(about75 years) prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for <i>bona fide</i> livelihood needs.
Village	(According to the provision of PESA Act), a habitation/hamlet or a group of habitations /hamlets comprising a community and managing its affairs in accordance with traditions and customs

3.6 Probable Questions

Short Answer Questions

1. Write a brief note on historical background of the PESA.
2. Who are members of Forest Rights Committee? How are they selected?
3. How does State Legislature facilitate implementation of PESA provisions in a State?
4. Briefly present mandatory executive functions and responsibilities of gram Sabha.
5. Why is it necessary for central monitoring initiatives for effective implementation of PESA provisions?
6. Present an outline of the structure of FRA,2006.
7. Examine the basic purpose of British colonial policy.
8. How did the Wildlife Protection Act,1972 affect traditional life of the STs?
9. Distinguish between the concepts of 'core area' in WLPA and 'critical wild life habitats' in FRA.
10. What was the core of post colonial forest policy in India before FRA, 2006 ?
11. How are forest rights claims recognised? Discuss.
12. What are the duties and responsibilities of holders of forest rights? Does it contain provisions of conservation?
13. What evidences are required for determination of forest rights? Enumerate.
14. Discuss the composition of State Level Monitoring Committee and District Level Committee.
15. Explain the functions of District Level Committee.

Long Answer Questions

1. Discuss the powers and function of the Gram Sabha as per the provisions of PESA, 1996.
2. Discuss the problems in the process of implementation of PESA in Fifth Schedule States. Suggest remedial measures.
3. Discuss how PESA will help STs to safeguard and preserve their customs and traditions and check exploitations.
4. Critically examine various provisions of the PESA.
5. Give an account of colonial forest policy and how did it affect post- colonial forest policy of the country.
6. Compare and contrast between conservationist and developmental viewpoints related to STs and other traditional forest dwelling communities.
7. Give your comment on 'critical wild life habitats' in FRA as compared with 'core area' in WLPA
8. Give a historical outline of forest policies in post-colonial India with reference to key features therein.
9. Discuss the compositions and functions of Gram Sabha and Sub-Divisional Level Committee according to the provisions of the FRA Rule, 2012.

10. Critically examine the provisions of forest rights. Do you think these provisions restore the traditional rights of STs and other traditional forest dwellers? Why or why not?
11. Discuss how does FRA ensure effective conservation strategy through involvement of STs and other traditional forest dwelling communities than various acts of conservation.
12. Critically examine process of recognition of community rights on forests.
13. What are the provisions of petitions in FRA,2006? Make a critical assessment.
14. Write a note on the impact and implications of FRA,2006.
15. The Government and its Agency obstruct implementation of FRA provisions in letter and spirit. Do you agree? Justify your answer with suitable examples.

3.7 Answers to Check Your Progress

Check Your Progress I

- | | | |
|------------|------------------|--------------|
| 1. 1996 | 2. forest rights | 3. 243 M (1) |
| 4. Part-IX | 5.10 | |

Check Your Progress II

1. PESA is applied to Scheduled Areas.
2. 73rd Amendment to the Constitution of India inserted Part IX in the Constitution.
3. PESA is enacted by the Parliament.
4. Gram Sabha shall safeguard and community resources.
5. Gram Sabha shall consist of persons whose names are included in the electoral rolls for the Panchayat at the village level.
6. Gram Sabha shall issue certification of utilisation of funds for the plans, programmes and projects by Gram Panchayat.
7. The power to exercise control over money lending to STs is vested on the Gram Sabha.
8. Panchayat is a subject in the State List

Check Your Progress III

1. FRA, 2006 2. Bhuria Committee 3. Sir Dietrich Brandis
4. The main objective of PESA was to restore power to the ST communities in their self-governing model with a view to safeguard their traditions, customs and community and exercise traditional control over common property resources.
5. The main motive of colonial forest policy was to own and control over forests, maximise revenue and restrict access of traditional communities to forests.

Check Your Progress IV

1. 1865
2. PESA empowers the Gram Sabha to safeguard and prevent land alienation,
3. State Legislature
4. Forest Act 1927
5. Gram Sabha
6. thrust was human free wilderness zones
6. Forest Act, 1988

Check Your Progress V

1. protect
2. community
3. Forest Department
4. FRA provides for both community and individual rights
5. FERA
6. 10
7. Forests Rights Committee
8. Women members
9. Sub-divisional level committee
10. encroachers

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UNIT-IV

CRITICAL REVIEW OF SOME TRIBAL POLICIES I

Structure

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4.1 Learning Objectives

After going through this unit you will be able to

- understand the role of tribal policies in the process of their integration with national development goals;
- answer the contesting questions on preservation of tradition vis-à-vis tribal integration with modern forces through different policies;
- learn various provisions of the Panchayats (Extension to Scheduled Areas Act, 1996 (henceforth PESA, 1996 or simply PESA);
- explain the composition and function of Gram Sabha as provided for in PESA;
- describe the advisory and consultancy role of Gram Sabha;
- explain the impact and implications of PESA;
- the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006 (henceforth FRA, 2006 or simply FRA).
- define a village according to the provisions of PESA and FRA.
- compare tribe-forest relations in various forest acts;
- explain 'historical injustice' done to tribes through previous forest and conservation laws and acts;
- understand the importance of FRA, 2006 corresponding to constitutional provisions and safeguards for tribes and forest dwellers;
- discuss the procedure of recognition, restoration and vesting of forest rights on rightful claimants;
- identify the authorities at various levels involved in the process of implementation of FRA;
- critically assess implementation process of the provisions of FRA, 2006;
- discuss the role of Gram Sabha in the process of implementation of the provisions of FRA;
- explain the impact and implications of FRA, 2006 in various states; and
- suggest remedial measures for effective implementation and objective realisation as is envisioned in two Act.

4.2 Introduction

Tribes in India belong to historically constructed weaker sections of the society on the basis of socio-economic backwardness. This reality was well recognised by national leaders during freedom movement. So they incorporated special provisions and safeguards in the Constitution and categorised them as Scheduled Tribes. The main objective behind these provisions was to integrate the STs with national ethos within the framework of

compensatory discrimination and uplift them at par advantaged section of the society. But unfortunately, quite for a long time no comprehensive policy was formulated for the STs and these people remained marginalised in the process of national development.

You will know that in the process of their integration and development their customs and practices were ignored. The approach to development was top down in practice, sectoral in coverage and macro in perspectives. In this framework of development tribal systems did not figure. As a result, their traditional practices, institutions and cultural ethos gradually declined.

In the meantime, however, there was a shift in ideological basis of understanding of different phenomena. Development ideology believed in the strategies of decentralisation, participation, sustainability, development through culture, rights based approach and the like for a people centred development, meaning development around people in contrast to earlier idea of 'people around development'. This ideology was translated into policy options in 1980s and 1990s.

During this time civil societies became active to fill up the gap that existed between development objectives and ground realities. They also recognised the role of culture, the need for equitable development and enabling environment for participatory development. At intellectual level the movement of postmodernism got momentum in 1980s and 1990s. It developed the sense of distrust to grand theories and objective reality, challenged universalist notions, developed an attitude of rejection toward meta-narratives attributed to the ideology of modernism. Rather, it called attention to socially-conditioned nature of knowledge and emphasised on moral relativism, pluralism and subjectivism.

It is under such a background that the consciousness grew to provide legal support to the STs in order to benefit from the safeguard proved to them by the Constitution. Enactment of the Panchayats (Extension to Scheduled Areas) Act, 1996 was a first step in this regard. The Act is a revolutionary piece of legislation. It ensures restoration of power to the ST communities along their traditional self-governing model and safeguarding their traditions, customs and community control over common property resources. The second step in this regard was enactment of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. The main objective of this act is to correct historical injustice done to the STs and other traditional forest dwellers by denying them rights over forests which they used to enjoy traditionally for livelihood needs.

In this unit, you will learn details of the provisions of these two acts and their implications.

4.3 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a legal provision to remedy the historical injustice done to STs and other forest dwellers. It received the assent of the President on the 29th December, 2006, and published in the Gazette of India on 2nd January, 2007. The Act is also known as Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) and shortly FRA, 2006. The Act contains six chapters on various themes entitled as Preliminary in Chapter-I, Forest Rights in Chapter-II, Recognition, Restoration and Vesting of Forest Rights and Related Matters in Chapter-III, Authorities and Procedure for Vesting of Forest Rights in Chapter-IV, Offences and Penalties in Chapter V, and Miscellaneous in Chapter VI. This Act is amended from time to time as per the provisions of section 14, clauses 1 and 2, of Chapter VI to make rules for smooth implementation of the provisions of the Act. In this regard the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 are important.

Before discussing FRA provisions let us discuss Indian Forest Acts (IFA) prior to FRA, 2006.

4.3.1 Forest and other Policies prior to FRA, 2006

Since time immemorial tribes and other forest dwellers have very close relation with the forest. The symbiotic relationship between forest and forest dwellers including tribes was maintained through customary rights over forest produces. Their life and livelihood sustenance were harmonized around forest resources. Over the years of interaction with forests they evolved their own unique and conservative systems. In this regard, the Committee on Forests and Tribal in India (1982) states, ‘they are not only forest dwellers but also for centuries they have evolved a way of life which, on the one hand, is woven around forest ecology and forest resources, on the other hand, ensures that the forest is protected against the degradation by man and nature’.

But their interaction with the State, particularly from colonial period undermined their symbiotic relations and survival strategy and exposed them to naked exploitation. The legal and policy instruments of the colonial ruler transferred traditional forest rights from the community to State control. The post colonial India did not do anything except following the colonial frame of policy through its various forest acts till FRA, 2006 was introduced.

4.3.1.1 Colonial Forest Policy

Forest Policy during Colonial Period: Colonial period can be divided into the period of East India Company Rule and direct rule of British Government. We learn from Ramchandra Guha’s (1983) paper entitled *Forestry in British and Post-British India: A Historical Analysis* and his other works that the Company officers used forests for revenue purpose, agriculture and commercial exploitation. The early years of railway expansion saw an unprecedented assault on the more accessible forests. Large forest tracts were destroyed to

meet the demand for railway sleepers. The claim of the Company and the forest dwellers over forest resources thus had conflicting interests. Though forest dwellers were not denied of their access to forest resources, they found a competitor whose consumption of these resources was unsustainable. It is not a surprise when the British government by the mid of 19th Century realised that the forest resources in India were not inexhaustible. So the government formulated regulations to preserve the forest resources.

The Forest Act of 1865: This act was first attempt in the direction of regulation of forest produces by the forest dwellers and asserting the State monopoly over the forest. The state was empowered to declare any land covered with tree as forest and to regulate it by notification, provided that such notification should not abridge or affect any existing rights of individuals or communities. Thus, socially regulated practices of the forest people were to be restrained by law. So, the customary 'rights' of using forest products were transformed as 'privileges'.

The Forest Act, 1878: This Act was more comprehensive than the previous and extended state's authority over the forests. This act divided forest into three parts namely reserved forests, protected forests and village forests. The Act intensified government's control on forest and activities like trespassing or pasturing of cattle were prohibited. But this was not applicable to neighbouring forests where right was still in the hands of communities. Nevertheless, the rule restricted the access of forest dwellers to the forests which were customarily under their ownership.

Forest Policy Resolution-1894: This was the **first Forest Policy** of British government in India, though 1865 initiative was an Act before any policy perspective was envisioned. It apparently stressed on conserving forests for maintaining environmental stability and meeting basic needs of the inhabitants of the forest and neighbourhood of the forests. So it restricted community use of the forests so that the government could maximise revenue earning. We learn from the works of Ramachandra Guha, Madhav Gadgil and R.Guha, Tiplut Nongbri and M.Bhargava that the revenue of the government increased, but tribals were alienated as their rights curtailed in the process.

The **First Indian Forest Act in 1865** was envisioned by Sir Dietrich Brandis, a German forester who was appointed as the first Inspector General of Forests in 1864. It is believed that he laid the foundation of scientific forestry in India.

Forest Act-1927: The Indian Forest Act-1927 is a very comprehensive Act. In fact it was the revised and amended version of the Forest Acts of 1865 and 1878. This act happened to be the mechanism to carry out colonial vision of forestry alienating the tribes and other forest dwellers from forest uses. This Act regulated the people's right over forest and codified all the practices of the forest officials. The Act deleted the reference to communities' rights over forests. As a result the officials were very authoritative, coercive, and abused their power and played havoc with the lives of tribal people. The Act disregarded people's means of

livelihood sustenance by putting some control on the shifting cultivation. This Act is considered responsible for the migration of tribes in search of alternative sources of livelihood.

A Summary of British Forest Policy: Let us summarise the impact of British forest policy on tribes and other forest dwellers. This will help to understand the impact of policies after Independence. The impact also needs an explanation of pre-British tribe-forest connections.

Just before the advent of the colonial powers the forest land was mostly under the use of the local communities (tribes, other forest dwellers and neighbourhood). These people entirely depended on the forests for their livelihoods and shape their socio-cultural vision. We learn from Somnath Ghosal (2011) that these people believed themselves to be the actual owners of forest with rights to use forest products for their subsistence livelihoods. Moreover, their ritual, cultural as well as social celebrations were recorded strongly interrelated with the forest environment. For subsistence needs they used to move from one area to another to collect food, fodder, firewood, wild game and many other products. They also used to sell or barter very little to mainly agricultural communities to get non-forest products. Before the East India Company's rule (1757 – 1857), there was no restriction on forest and collection of forest products for tribes and other forest dwellers and neighbourhood in India apart from forests reserved or hunting for rulers. It is clear to you by now that the ownership of forests was with the local chiefs with access rights to the local communities. Except hunting, the rulers had no interest in forests. As Guha (1983) informs, 'The waste and forest lands... never attracted the attention of former (pre-British) Governments'. That is why the tribes and other forest dwellers believed to be the owners of forests as they used it without any restriction or regulation except cultural norms.

But the Company ruler and subsequently the British government in India established a mode of forest governance that imposed restrictions on forest use by forest dwellers and neighbourhood. They adopted the mechanism of defining forests as national property and the nation in this context was colonial interest. In the name of national interest they tried to legitimise control over forests for commerce and revenue earning through a series of legal instruments enacted from 1765 to 1878 to 1894 to 1927.

Check Your Progress III

Answer the following questions

1. Which Act aims at correcting 'historical injustice'?
2. Which committee recommended for PESA?
3. Who is the first Inspector General of Forests in India?
4. What is the main objective of the PESA, 1996?
5. What was the main motive behind colonial forest policy?

The interference of the colonial ruler in forest governance curtailed the liberty and rights of forest dwellers. As you know, they adopted a mechanism of defining forests. Accordingly they classified forests as conservation forests, commercial forests and minor forests and pasture lands. The first two categories denied access to tribal and other traditional forest dwellers and thus restricted their rights only to minor forests and pasture lands. These types of forests were used more as grassland for animals than for human use. So the forests colonial rulers gradually established ownership rights over forests replacing the rights of actual forest dwellers substantially. In short, in the colonial period the legal and policy instruments transferred the right over forests from communities' hand to government's hand. The common property had become the state property. In 1935, Forest was transferred from the union to state list according to Government of India Act, 1935. This authority of the state over the forest produces continued even after Independence.

4.3.1.2 Policy after Independence

In Post Independent India government took a number of steps having bearing on the tribes and other forest dwellers. But in its first forest policy after Independence the the Forest Policy of 1927 remained central and the government adopted it with some revisions in 1952. In fact India's Forest Policy was extended even to Scheduled Areas under the Fifth Schedule of the Constitution as well as to the princely states. The process of land acquisition which began during colonial rule continued after Independence between 1951 and 1988.

National Forest Policy of 1952: The first post independence forest policy was formulated in 1952. Like the essence of colonial policies, its thrust was on 'maximum annual revenue from the forests' in the nation making. As a result, as has been mentioned, it extended to tribal areas under the Fifth schedule. Tribal community managed forests that were not touched in the old policy were subjected to controls under the new one, though free grazing was allowed. This belied all hopes of tribal people by higher regulation on their rights over the forest resources. It contained provisions to discourage shifting cultivation but provided some concessions. The forest policy of 1952 of free India was considered worse than its colonial predecessor policy of 1894.

Soon after Independence the first National Forest Policy was issued by the Government of India in 1952. K.S.Chandrasekharan (1983) maintains that the 1952 forest policy resolution continued the earlier approach towards forest management and went a step ahead by conceding the principle of total subordination of forest dwellers' interest to the wider needs of national interest.

It was not a surprise to note the recommendations of Debar which stated that the policy of 1952 should be reconsidered and tribals should be allowed to cultivate forest lands. Their requirements for grazing and shifting cultivation should be conceded. It also commented on responsibilities of forest officials. Needless to, the Commission recognised the role of forests in tribal way of life which was not a part of forest policies of colonial government and subsequently of post colonial government.

The Wildlife Protection Act, 1972: This Act provides for protection to listed species of flora and fauna and establishes a network of national parks and wild life sanctuaries. It empowers the central and state governments to declare any area a wildlife sanctuary, national park or closed area. The main thrust of this Act is on 'human free wilderness zones'. It provides for authorities to regulate the hunting of wild animals; protect specified plants, sanctuaries, national parks and closed areas; restrict trade or commerce in wild animals or animal articles; and miscellaneous matters. The Act prohibits hunting of animals except with permission of authorized officer when an animal has become dangerous to human life or property or as disabled or diseased as to be beyond recovery. Many thousands of inhabitants including tribes and other forest dwellers were displaced from these conservation zones. It had direct bearing on tribes as their source of securing livelihoods, i.e. hunting was regulated.

The Recommendation of National Commission on Agriculture, 1976: The recommendation made by the 'National Commission on Agriculture' (NCA), 1976 was disastrous from tribal's point of view. In its review of the Forest Policy as implemented up to 1976 the intention of the government is clear. It states:

'Free supply of forest produce to the rural population and their rights and privileges have brought destruction to the forests and so it is necessary to reverse the process. The rural people have not contributed much towards the maintenance or regeneration of the forests. Having overexploited the resources they cannot in all fairness expect that somebody else will take the trouble of providing them with forest produce free of charge'.

Further it stated, 'production of industrial wood should be the raison d'être for the existence of forests'. Actually it is in this value that many other values that have been claimed or caressed for forests so far can be absorbed. It also recommended a drastic reduction in the people's rights over the forest and forest produce and advocated the commercialisation of forest at all cost ignoring the sustenance needs of tribes and other forest dwellers. Report recommended an extreme conservationist approach towards the forest and forest products and considered tribals and forest dwellers as destructive agents. To have the control of central government on forest issues in 1976, the Forests subject was brought into concurrent list through the 42nd Constitutional Amendment empowering centre to make laws.

Forest Conservation Act, 1980: As the name suggests the main thrust of the Act was to conserve the forests. This Act was based on the recommendations NCA, 1976. It supplemented to Wildlife protection Act, 1972 to achieve forest and wildlife habitat conservation in India. It emphasised on controlling deforestation and in this provision the Act identified the forest dwellers as exploiters and destructors of the forests.

Forest Act-1988: This Act is based on sustainable and participatory approaches of management. The basic objectives of forest Act, 1988 stated, "the principal aim of forest policy must be to ensure environmental stability and maintenance of ecological balance

including atmospheric equilibrium which are vital for sustenance of all life forms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim". The concept of joint-forest management evolved in this act. While this policy has more people-oriented provisions, it still has the concept of exclusive state ownership of forest and mention industrial needs as national needs. The Resolution has a special provision on tribal people and forests. It is stated that having regard to the symbiotic relationship between the tribal people and forests, all agencies responsible for forest management should see that the tribal people are closely associated in the protection, regeneration and development of forests so as to provide them gainful employment. The scope of the existing definition of 'non-forest purposes' was expanded so as to include cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops, and medicinal plants.

The practice of Shifting cultivation was permitted for a period of three years. Special provisions were made to prevent encroachments on reserve forests with punitive measures. State was allowed to constitute village forests except reserve forests. Provisions are made to regulate trespassing of cattle in reserved, protected and village forests and penalties for such offences have been made very severe.

Despite these provisions the tribals did not benefit much. Cultivation of horticultural and plantation crops reduced forest areas thereby limiting the access of tribes to small forest areas. Behera and Basar (2014) inform us that the process of decentralisation to encourage tribal people's participation in forest management proved to be a decentralised mechanism of centralised efforts of extending state control over forest resources. The attitude of the state is evident in a circular of the Ministry of Environment and Forest, India in 2002. The circular denoting the tribals as encroachers, directed their eviction from the forests.

A Summary of Post-colonial Forest Policy prior to 2006: As has been mentioned, the core of colonial policy continued even after Independence of the country. Provisions of concessions, encouragement to tribal participation and recognition to the importance of tribal relation with forests did not prove to be much beneficial. A gap between tribes and the state over the perception of the forests remained prominent. To a tribal community, resources have much more meaning than a mere sense of physical entity and the basis of securing material means of existence. For a tribal community forests are interwoven into the whole aspects of their life and define the cultural identity. But for the State it remained as the mere source of revenue. In addition to this the ownership remained with the state with a hazy boundary of community participation in later Acts. Due to this gap many conflicts are seen between tribes and the state.

Right from freedom movement, national leaders and after Independence the government recognised the problems of the tribals. There were constitutional safeguards providing for protective discrimination, corresponding legislations, other policy and institutional interventions, participatory forest Acts in 1988 for tribal welfare. But unfortunately the living conditions, physical and food security of the tribals and other forest dwellers deteriorated. Forest policy is one of the state instruments which together are responsible for

deteriorating condition of the tribes as reflected in their condition of alienation from land and forests and loss of rights over them.

Check Your Progress IV

Correct the following sentences:

1. The first attempt to regulate forests in colonial India was taken in 1894.
2. PESA empowers the Gram Sabha to divert forest lands to industrial use.
3. The Parliament ensures that Gram Sabha is endowed with ownership of MFP.
4. Forest Act 1865 was central to National Forest Policy of 1952.
5. FRA enjoys the power to manage village markets.
6. The main thrust of the Wildlife Protection Act, 1972 was harmonious relationship between human and wildlife.
7. Forest Act 1980 had the provision of sustainable and participatory approaches of forest management.

It is in this context the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) was enacted to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers. It is because they have been residing in such forests for generations but their rights could not be recorded.

In order to understand the impact and implications of the FRA, 2006 we shall reproduce the provisions of the Act as is reflected in the thematic title from Chapter-II. Chapter-I contains preliminary statements and definitions. It will not help to understand the implication of provisions of the Act. We will also reproduce some of the guidelines like function of Gram Sabha and other Committees, procedural guidelines, etc following the amendment rules of 2012.

4.3.2 Provisions of the FRA, 2006

You will learn various provisions of the Act as produced below:

4.3.2.1 Provisions for Forest Rights

Provisions of this topic are laid down in section 3 and its 3 clauses. These 3 clauses also have sub-clauses. The provisions deal with what constitutes forest rights of forest dwelling scheduled tribes and other traditional forest dwellers. It also enumerates the facilities managed by the Government for which forest land can be diverted. Moreover, this section fixes the area of land which can be diverted and the procedure of its diversion. The provisions are as follows:

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-
- (a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers;
 - (b) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
 - (c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
 - (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
 - (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
 - (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
 - (g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
 - (h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
 - (i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
 - (j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribes under any traditional or customary law of the concerned tribes of any State;
 - (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
 - (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
 - (m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-

- (a) *schools;*
- (b) *dispensary or hospital;*
- (c) *anganwadis;*
- (d) *fair price shops;*
- (e) *electric and telecommunication lines;*
- (f) *tanks and other minor water bodies;*
- (g) *drinking water supply and water pipelines;*
- (h) *water or rain water harvesting structures;*
- (i) *minor irrigation canals;*
- (j) *non-conventional source of energy;*
- (k) *skill upgradation or vocational training centres;*
- (l) *roads; and*
- (m) *community centres;*

Provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

4.3.2.2 Provisions for Recognition, Restoration and Vesting of Forest Rights and Related Matters

Provisions for the above topics are laid down in section 4 and section 5 of the Act. Section 4 has 8 clauses and clause 1 has 6 sub-clauses. This section deals with recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers. For such recognition the time frame of occupation is fixed before 13th day of December 2005. Section 5 deals with duties of holders of forest rights like protection of wild life, forest and biodiversity. Details of the provisions covering the topics under section 4 and section 5 are as under:

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in –
- (a) The forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;
 - (b) The other traditional forest dwellers in respect of all forest rights mentioned in section 3.

- (2) the forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-
- (a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;
 - (b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;
 - (c) the State Government has concluded that other reasonable options, such as, co-existence are not available;
 - (d) a resettlement or alternatives package has been prepared and communicated that provides a secure ;livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;
 - (e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;
 - (f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

- (3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.
- (4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.
- (5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification process is complete.

- (6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.
 - (7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.
 - (8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.
5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to –
- (a) protect the wild life, forest and biodiversity;
 - (b) ensure that adjoining catchments areas, water sources and other ecological sensitive areas are adequately protected;
 - (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;
 - (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

4.3.2.3 Provisions for Authorities and Procedure for Vesting of Forest Rights

The above subject on authorities and procedure is dealt with in Chapter-IV of the Act. Provisions dealing with the topic are laid down in section 6 of the Act having 9 clauses. The section provides for the authorities who will vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers. Secondly, it also outlines the procedures of such vesting. The provisions under section 6 are as follows:

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution

to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

- (2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition;

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha;

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

- (3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

- (4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

- (5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level committee.

- (6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

- (7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

- (8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj

Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

- (9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

4.3.2.4 Provisions for Offences and Penalties

Chapter V of the Act provides for offences and penalties includes two sections, section 7 and section 8. Section 7 deals with the provision of punishment to any authority or Committee, etc. contravening the rules. Section 8 deals with the provision of cognizance of offences. Provisions dealing with offences and penalties are as under:

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

4.3.2.5 Miscellaneous Provisions

The Miscellaneous chapter deals with the provisions of protection to officers, obligation of officers, nodal implementing agency, etc in 6 sections from 9 to 14. Section 9 provides the status of public servant to every member of the authority dealing with subjects of this Act. Section 10 provides legal protection to officers for any action taken in good faith. Section 11 provides for nodal agency for the implementation of the provisions of FRA, 2006. Section 12 commands the authority to follow general or special directions issued by the central Government while performing duties and exercising vested powers. Section 13 provides FRA,2006 not in derogation of, but in addition to any other law. Section 14 lays down provisions of making powers for implementation of this Act. The provisions are reproduced as follows:

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

10.(1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorized by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

14. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) procedural details for implementation of the procedure specified in section 6;
- (b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;
- (c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;

- (d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;
- (e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

4.3.3 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

We have already discussed that the amendment meant to remove anomalies so that the FRA, 2006 is effectively implemented. This amendment follows the notification of rules in 2008. Without showing the changes in the amendment the provisions of 2012 have been reproduced. It is important for you to know that rule 2A and rule 16 have been inserted which was not there in rules of 2008.

The present amendment consists of 16 rules. We have not reproduced rule -1 on *short title, extent and commencement* and sub-rules (1) and (2) of rule 2 entitled *definitions*. Rule 2A deals with the provision for *Identification of Hamlets or Settlements and Process of their Consolidation*. Rule 16 entitled *Post Claim Support and Hand Holding to Holders of Forest Rights* deals with provisions to ensure that all government schemes are provided to such claimants and communities whose rights have been recognized and vested under the Act. Besides, sub-rule 4; clause (f) and (g) of sub-rule (1) in rule 4; clause (i) in rule 8; clause (f) of rule 10; clause (f) and (g) of sub-rule (1) in rule 12; rule 12A and 12B and clause (d) and (e) of sub-clause (2) in rule 13 have been inserted. These were not in rule of 2008. In addition, a few words either have been substituted or inserted in the amendment rule of 2012. This information is given to you for your understanding of the change in 2012 amendment.

This amendment provides guidelines for the *composition* and *functions* of Gram Sabha (rule-3 and 4), Sub-divisional Level Committee (rule-5 and 6), District Level Committee (rule -7 and 8) and State Level Monitoring Committee (rule 9 and 10). The committees are in ascending order showing participation of people at grass roots level. It is the Gram Sabha with its the Forest Rights Committee the actual power of determination and verification of claims and recognition of rights is vested. Rule 11 provides for *Procedure for Filing, Determination and Verification of Claims by the Gram Sabha* and rule 12 provides for

Process of Verifying Claims by Forest Rights Committee. Rule 12 A deals with ***Process of Recognition of Rights*** and rule 12 B with the ***Process of Recognition of Community Rights***. Rule 13 deals with ***Evidence for Determination of Forest Rights*** which include evidence for recognition and vesting of forest rights and for Community Forests Rights. Rules 14 and 15 deal with the provisions for making petitions to Sub-Divisional Level Committee against the decision of the Gram Sabha and to District Level Committee against the decision of the Sub-Divisional Level Committee.

4.3.4 Provisions of the Rule of 2012

4.3.4.1 Rule 2A. Identification of Hamlets or Settlements and Process of their Consolidation

The State Government shall ensure that

- (a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or *taungya* villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee;
- (b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalized as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalized by the District Level Committee after considering public comments, if any;
- (c) on finalization of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.

4.3.4.2 Gram Sabha and Functions of the Gram Sabha

Rule 3. Gram Sabha

- (1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least two-third members shall be the Scheduled Tribes:]

Provided that not less than one-third of such members shall be women;

Provided further that where there are no Scheduled Tribes, at least one third of such members shall be women.

- (2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.
- (3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.
- (4) The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012.

Rule 4. Functions of the Gram Sabha

- (1) The Gram Sabha shall
 - (a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;
 - (b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;
 - (c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;
 - (d) consider resettlement packages under clause (e) of sub section (2) of section 4 of the Act and pass appropriate resolutions; and
 - (e) Constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.
 - (f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.
 - (g) approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.]
- (2) The quorum of the Gram Sabha meeting shall be not less than one-half of all members of such Gram Sabha:

Provided that at least one-third of the members present shall be women;

Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present;

Provided also that such resolutions shall be passed by a simple majority of those present and voting.]

- (3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

4.3.4.3 Sub-Divisional Level Committee and its Functions

Rule 5. Sub-Divisional Level Committee

The State Government shall constitute Sub- Divisional Level Committee with the following members, namely:-

- (a) Sub-Divisional Officer or equivalent officer - Chairperson;
- (b) Forest Officer in charge of a Sub-division or equivalent officer - member;
- (c) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and (d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

Rule 6. Functions of the Sub-Divisional Level Committee

- (a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;
- (b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (c) collate all the resolutions of the concerned Gram Sabhas;
- (d) consolidate maps and details provided by the Gram Sabhas;
- (e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;
- (h) co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims ;

- (i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
- (j) forward the claims with the draft record of proposed forest rights through the Sub- Divisional Officer to the District Level Committee for final decision;
- (k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules ;
- (l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B & C) of these rules;
- (m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

4.3.4.4 District Level Committee and its Functions

Rule 7. District Level Committee

The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

- (a) District Collector or Deputy Commissioner - Chairperson;
- (b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;
- (c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and
- (d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

Rule 8. Functions of District Level Committee

The District Level Committee shall –

- (a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;
- (b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
- (c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;
- (d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
- (e) co-ordinate with other districts regarding inter-district claims;

- (f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;
- (g) ensure publication of the record of forest rights as may be finalized;
- (h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively ; and
- (i) ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section (1) of section 3.

4.3.4.5 State Level Monitoring Committee and its Functions

Rule 9. State Level Monitoring Committee

The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-

- (a) Chief Secretary - Chairperson;
- (b) Secretary, Revenue Department - member;
- (c) Secretary, Tribal or Social Welfare Department - member;
- (d) Secretary, Forest Department - member;
- (e) Secretary, Panchayati Raj - member;
- (f) Principal Chief Conservator of Forests - member;
- (g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government;
- (h) Commissioner, Tribal Welfare or equivalent who shall be the Member- Secretary.

Rule 10. Functions of the State Level Monitoring Committee

The State Level Monitoring Committee shall –

- (a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
- (b) monitor the process of recognition, verification and vesting of forest rights in the State;
- (c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims;

- (d) on receipt of a notice as mentioned in section 8 of the Act, take appropriate actions against the concerned authorities under the Act;
- (e) monitor resettlement under sub-section (2) of section 4 of the Act;
- (f) specifically monitor compliance of the provisions contained in clause (m) of sub-section (1) of section 3 and sub-section (8) of section 4.

4.3.4.6 Rule 11. Procedure for Filing, Determination and Verification of Claims by the Gram Sabha

(1) The Gram Sabhas shall –

- (a) call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months: Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.
- (b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to –

- (i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- (ii) prepare the record of claims and evidence including maps;
- (iii) prepare a list of claimants on forest rights;
- (iv) verify claims as provided in these rules;
- (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.

(3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

(4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C as provided in Annexure I of these Rules.

(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub- Divisional Level Committee.

(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

4.3.4.7 Process of Verifying Claims by Forest Rights Committee, Recognition of Rights and Process of recognition of Community Rights

Rule 12. Process of Verifying Claims by Forest Rights Committee

- (1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department
 - (a) visit the site and physically verify the nature and extent of the claim and evidence on the site;
 - (b) receive any further evidence or record from the claimant and witnesses;
 - (c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;
 - (d) ensure that the claim from member of a primitive tribal group or pre agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and
 - (e) prepare a map delineating the area of each claim indicating recognizable landmarks.
 - (f) delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access;
 - (g) prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources.

- (2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.
- (3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:

Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

- (4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer.

Rule 12A. Process of Recognition of Rights

- (1) On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.
- (2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.
- (3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to the District Level Committee, such decision or recommendation on the claims shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.
- (4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.
- (5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.
- (6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.
- (7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along

with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.

- (8) The land rights for self-cultivation recognized under clause (a) of sub-section (1) of section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.
- (9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.
- (10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.

(11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation: 1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.

2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.

Rule 12 B. Process of Recognition of Community Rights

- (1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

- (2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of section 3 before the concerned Gram Sabhas.
- (3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.
- (4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.
- (5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.

4.3.4.8 Rule 13. Evidence for Determination of Forest Rights

- (1) The evidence for recognition and vesting of forest rights shall, inter alia, include –
 - (a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, microplans, forest enquiry reports, other forest records, record of rights by whatever name called, *pattas* or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;
 - (b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;
 - (c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;
 - (d) quasi-judicial and judicial records including court orders and judgments;
 - (e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;
 - (f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;
 - (g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;
 - (h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;
 - (i) statement of elders other than claimants, reduced in writing.
- (2) An evidence for Community Forest Resource shall, inter alia, include –
 - (a) community rights such as *nistar* by whatever name called;
 - (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems;

sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

(c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;

(d) government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, nistari forests;

(e) earlier or current practice of traditional agriculture.

(3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

4.3.4.9 Petitions to Sub-Divisional Level Committee and District level Committee

Rule 14. Petitions to Sub-Divisional Level Committee

(1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee.

(2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.

(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

Rule 15. Petitions to District Level Committee

(1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.

- (2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.
- (3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.
- (4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.
- (5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.
- (6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.
- (7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

4.3.4.10 16. Post Claim Support and Handholding to Holders of Forest Rights

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.

"A major cause of confrontation between the tribal people and the State has been the difference in the perceptions about the rights of the tribal people over the forests and their use. The touchstone of the validity of any system and its practices is their harmony with the right to life with dignity of the ordinary people. This right is self-evident and does not need the support of any formal announcement or even adoption in a Constitution. This right is the very essence of human civilization."

- B. D. Sharma, 1990 SC/ST Commissioner.

4.3.5 Impact and Implications

Implementation of the Act was not free from flaws. A letter of the Ministry of Tribal Affairs, addressed to Chief Secretary and Administrators of all Union Territories of concerned states

and union territories on 12th July, 2012 has mentioned of some constraints of implementation of the Act. The letter state.

‘The Ministry has noticed several problems which are impeding the implementation of the Act in its letter and spirit, such as, convening of Gram Sabha meetings at the panchayat level in some cases, resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered absolute rights over the minor forest produce (MFP) to forest dwellers; imposition of several restrictions, like, transit permit for transportation of MFPs, levy of fees, charges, royalties on sale of MFPs; exclusion of certain types of MFPs, in contravention of the definition of MFP given in the Act; continuance of monopoly in the trade of MFP, especially in the case of high value MFP, such as, *tendu patta* by the Forest Corporations in many States; non-recognition of other community rights, such as, *nistar* rights, conversion of all forest villages, old habitations, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages; non-recognition of community forest resource rights relating to protection, regeneration or conservation, or management of any community forest resources...

In many areas, the tribal people and other forest dwellers are reportedly facing harassment and threats of eviction from forest lands and forced relocation or displacement from the areas proposed for development projects without settlement of their rights or due compliance with safeguards in violation of the provisions of the Act... Inadequate public awareness about the provisions of the Act, particularly the provisions relating to the filing of petitions by the persons aggrieved by the decisions of the authorities prescribed under the Act, inadequate training of the implementing officials etc. are also some of the reasons for non-implementation of the Act in its letter and spirit’.

FRA, 2006 is a legal instrument in the hands of the STs and other forest dwellers aimed at correcting the historical injustice by vesting rights over forests for their development and conservation of forests. Why they were victims of injustice? A simple answer is that there were people who victimised them. Do these people exist today? Have these people changed their attitude and mind set? If not then the impact and implications of this Act are sure to encounter problems directly or indirectly invoking ideological logic.

In fact hot debate ensued between two ideological groups. One group was committed to conservation of forests and wildlife which they believed would result from implementation of the Act. The other, pro- tribal, believed in effective conservation of forests and wildlife along with tribal development through the provisions of the Act. This debate impacted implementation of the Act adversely at least initially. The implication that follows is not the full utilisation of the potentiality in the Act and effective realisation of the objective. In course of time despite opposition of the conservationist group the people came up to safeguard their interests as their awareness level increased.

You will study the impact and implications of the FRA, 2006 from two angles. The first one refers the stereotypes labelled against and other forest dwellers as destroyers and encroachers of forests. The second one is growing awareness among the people and gradual effective implementation of the Act.

You will be surprised to know that in many government records, even after recognising the rights of tribes over forest, these people were labelled as 'encroachers'. A Circular of the Ministry of Environment and Forests, Government of India, in 2002 denoted tribes as 'encroachers' and directed their eviction from forests. Broome et al. 2017 inform us how retired forest officials and wildlife NGOs filed writ petitions against FRA in the high court of Andhra Pradesh, Odisha, Tamil Nadu, Maharashtra and Madhya Pradesh and in Supreme Court. Their argument was that the Act was unconstitutional and existing IFA (Indian Forest Acts) and WLPA (Wildlife Protection Acts) adequately provided protection to local people. The petitioners also warned that recognition of the rights of forest dwellers would increase encroachment on forests due to false claims.

Not only individuals and conservationist NGOs, but the State also made efforts at obstructing the implementation of FRA. Particularly, the State attempted at diluting those provisions which mandated Gram Sabhas consent for diverting forests towards non-forestry purposes. A rumour of forest degradation also went round relating to the implementation of the Act. This rumour is reported in the study of Rupen Pattnaik (2010), entitled *A Study of the Implementation of Forest Right Rules 2007: A Case Study of Chandrapur Block of Rayagada District* which he submitted to Council of Analytical Tribal Studies (COATS), Koraput for his M.Phil degree. The rumour was a misunderstanding of the provision and stated that 4 ha of forest land afresh to tribal household would destroy the forests. What was more revealing in his study is indifference of government officials, in what ever capacity they were involved in the implementation process that obstructed the work. At government level there was no effort to create awareness and dispel the misconceptions and rumour. It was also reported that inter village conflicts took place as each village claimed rights over nearby resources to which they had common access over centuries. Due to misunderstanding of provisions of the Act each village claimed ownership rights over the resources accessed commonly.

In the process of implementation, as Pattnaik informs, the government departments did not give priority on community rights, rather they focused upon the individual rights. You will know in following paragraphs that this trend existed in many other states. The government officials did not provide information for technical support like village map, forest maps, etc. to FRCs (Forest Rights Committees) or Gram Sabhas as required by Rule 12 (1) and even did not participate in verification process. As a result identification of claims and preparation of maps remained incomplete in most of the cases.

Ramdas (2010) provides a good account of the implications of FRA provisions to address the human-elephant conflict. He finds the report of the Elephant Task Force (ETF,2010) constituted by the Ministry of Environment and Forests ambiguous in that the provisions allude to evictions of tribes for a solution of the conflict. It is evident when the report finds 'non-developmental

activities' which are critical to tribal living options contributing to the general degradation of the habitat. The report has placed livelihood subsistence activities on the same footing as development activities like mining, road construction, railway line, hydro-electricity and irrigation projects causing forest degradation. In the strategy of solving human-elephant conflict, the report has conveniently ignored the conservation practices through symbiotic relations between adivasis and forest with elephants. Ramdas is therefore, in favour of reaffirming 'adivasi people's integral role to the survival and sustainability of ecosystems' by invoking the spirit behind FRA.

The logic of empowering Gram Sabhas as a mechanism to solving human-nature conflict is also echoed by Mahadev Gadgil (2007). According to him FRA provides for adaptive management process through a transparent and inclusive 'information and share' approach.

You will come to know a multiple of implications beyond development versus conservationist debates in a number of empirical studies. In this regard Ramanujam's (2017) insightful information is noteworthy. He identifies weak capacity of the adivasis for collective action, tangled relationship with forest department, changing aspirations, particularly of the educated youth and people's conception of the environment versus some provisions of the Act to be considered for translation of the potentiality of FRA into reality. In other words, the Act implies the need of comprehensive understanding of the issues for its successful implementation. This requires empowerment of both local communities and civil administration involved in the process of implementation. As a result a balance between the perceptions of adivasi and that of civil society and administration is fine tuned. The study envisions mutual understanding between the people and the implementing agencies.

Bandi (2014) informs that implementation process in Chhattisgarh was under the control of Forest Department (FD) Rural Development (RD) officials as early as 2010 and people had no participation. Obviously, there were 'wrongful rejections' and 'blatant irregularities' at the Gram Sabha level which were not verified at higher levels. The Review Committee of Government of India, 2010 has reported coercive means, adopted by FD, of agreeing to claims; misappropriations in terms of land allotment, and overlooking PVTG and nomadic tribes. In Chhattisgarh, the administration as well as the community concentrated more on claiming individual rights than community rights. The FD has forcibly undertaken plantation and afforestation programmes on the lands claimed by the community. The review Committee also reports government intervention as officials were members in FRCs without proper representation of main stakeholders and women. It is also reported that the Gujarat FRA has been run down deliberately by creating new JFM with generous funding to villages where they had not extended this programme earlier. In some instances, the FRC members were appointed as JFM presidents in order to lure them away from the FRCs. The government of Gujarat also imposed additional conditions to recognise rights over cultivated forest land. The people in Gujarat, like elsewhere, have fallen prey to attractions such as infrastructural benefits including community halls, health centres, *angan wadis* (government-sponsored child care and mother care centres) and schools.

A similar nature of obstructions by Forest Department is reported by Reddy et al.(2011) in Andhra Pradesh. The Gram Sabha meeting was equated with Gram Panchayat meeting having a serious problem with FRA implementation. The Government deliberately issued administrative orders to reinterpret the FRA provisions in order to appropriate these rights for forest department local bodies, rather than the actual village community.

The strange part of implementations was that the FRC members were selected by the officials, not elected, and elected in some cases by officials even without the knowledge of the local community, and in some cases even without the knowledge of those selected! FRC capacity building was neglected.

Check Your Progress V

Correct the underlined portion

1. The holders of forest rights are empowered to hunt wildlife.
2. Forest rights include individual right to intellectual property.
3. NGOs manipulated the provisions of the FRA to restrict the rights of forest dwellers.
4. FRA provides for community rights but not individual rights.
5. The State legislature restricts occupation of land to the area under actual occupation and shall in no case exceed an area of four hectares.
6. The minimum members of Forest Rights Committee shall be 15.
7. Rules 2012 provides for two-third ST members in Gram Sabha.
8. The quorum of Gram Sabha meeting requires presence of one third of all members of the Gram Sabha.
9. A claimant can file a petition against the decision of the Gram Sabha to Gram Panchayat.
10. A Circular of the Ministry of Environment and Forests, Government of India, in 2002 denoted tribes as 'forest friends'.

Impact envisioned in FRA is multifaceted. It recognises the rights of the individuals and communities over homestead land, cultivable land, grazing land and on non-timber forest produce. It provides for people's participation, realisation of people's right through Gram Sabha, right to in-situ rehabilitation, etc.

But implementation of FRA has various implications in different states. The common concern has been the negative attitude of the FD, officials and the government. They are alleged to deny rights on every possible pretext. It is not a surprise to note eviction drive of FD. In Burhanpur district of Madhya Pradesh seven villages were demolished, FD, forced plantations were done, houses were demolished and trenches were dug. Another reason has been the ambiguity in the rules of the Act itself. Besides, lack of awareness levels among the forest dwellers, its absence among the implementing staff and agencies, has further complicated the matter.

S.K.Pattnaik (2009 in Ota and Patnaik,2009) informs that the authority of the Gram Sabha practically lies with sub-divisional committee as it is now neither the final authority in settlement of rights nor its consent is mandatory in the diversion of forest land for non-forest purposes. He finds no difference between the concept of 'core area' in WLPA and 'critical wild life habitats' in FRA. Like the core areas the determination of critical wildlife habitat being a scientific process will be decided by the FD. Act needs several safeguards for effective implementation. There needs to be constant vigil on the bureaucracy, FD, industrial and mining corporations, timber mafias and other hidden forces.

4.4 Let us sum up

In this unit you have learnt that

- The PESA and the FRA are only two tribal friendly acts enacted after Independence to safeguard tribal interests.
- The PESA 1996 is a powerful legal instrument envisioned to establish grassroots governance in Scheduled Areas in order to safeguard and preserve tribal customs and traditions.
- Act, 2006 (FRA) was enacted to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers. The main aim was to correct historical injustice done to STs and other traditional forest dwellers.
- The PESA envisions participation of the STs in self-governance through GS/GP. So it provides for reservation and nomination of setas for the STs at all levels of the Panchayat.
- It provides powers of mandatory executive functions and responsibilities, mandatory consultations and recommendations for GS in order to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution; prevent land alienation.
- There is a gap between conformity Act of states and the provisions of PESA that reduces the authority of GS. As a result, issues like acquisition of land for development programmes, managing and regulating village market, control over local plans and resources and functionaries in all social sectors do not figure in the discussions at Gram Sabha meetings.
- The Act also has loopholes in defining the village in a general sense but to use in the context of tribe specific needs. The Act has also not emphasised on the importance of awareness of GS members to exercise the powers.
- In order to implement the provisions of the PESA effectively, the Ministry of Panchayati Raj, Government of India has taken up various monitoring initiatives.
- Before enactment of FRA,2006, the forest policy of colonial and post colonial India meant for bringing forests under state control, restricting access of STs and other traditional forest dwellers to forests and maximising state revenue.

- Acts after 1952 emphasised on conservation provisions for forests and wildlife at the cost traditional communities.
- Despite some provisions for safeguarding tribal and other communities' interest in these Acts the communities suffered from various ills of marginalisation, exclusion, land alienation and displacement.
- FRA has defined forest rights and elaborated provisions to restrict violation of such rights, vest ownership rights and to follow rules strictly while diverting forests for development projects and for providing government facilities of public interest.
- The Act has laid down procedures for recognition, restoration and vesting of forest rights on STs and other traditional forest dwellers.
- The Act has also specified the authorities involved in the process of implementation and vesting rights.
- The Act states what constitutes offences and corresponding penalties.
- The Act is often amended to frame rules for clarification of provisions and smooth implementation without any ambiguity.
- Amendment of FRA Rules 2012 is the recent amendment which explains rules, defines powers and functions and has attempted to remove anomalies.
- This rule lays down provisions for the composition and power and function of Gram Sabha, Sub-Divisional Committee, District Level Committee and State level Monitoring Committee.
- The rule has laid down provisions for identification of hamlets or settlements for the purpose of implementation of the Act; filing, determination and verification of claims by Gram Sabha and procedures of recognition of forest and community rights.
- The rule also has provisions of filing petitions against any wrong decision.
- Like the provisions of PESA, FRA also suffers from the negative attitude of Forest Department and the Government. The provisions are manipulated to obstruct the functioning of the GS.
- Different states have passed Conformity Act that kills the spirit of the FRA.
- The power of GS is sidetracked while granting license or lease of forest lands to mining companies and MNCs.
- There is an urgency to provide safeguards against such violations so that the Acts achieve their objectives meaningfully.

4.5 Keywords

Community forest resource: customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access

Conformity Act	the Act that is enacted in agreement with the provisions, procedures, practices etc. of a central Act
Critical wildlife habitat:	such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation
Forest dwelling Scheduled Tribes:	the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for <i>bona fide</i> livelihood needs and includes the Scheduled Tribe pastoralist communities
Forest land:	land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks
Forest rights:	includes right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers; community rights including rights of uses or entitlements; right of ownership; rights in or over disputed lands; rights of settlement and conversion of all forest villages, into revenue villages; right to protect, and preserve any community forest resource for sustainable use and so on.
Forest villages	the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation
Gram Sabha:	a village assembly which shall consist of all adult members of a village
Habitat:	the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes

In-situ	in the original place/position
Minor forest produce	all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like
Postmodernism	intellectual tradition of emphasising socially-conditioned nature of knowledge claims, moral relativism, pluralism and subjectivism by rejecting grand theories, meta-narratives objective reality, and challenging universalist notions of modernism
Scheduled Areas:	Those areas listed in Fifth Schedule under Art.244(1) and inhabited predominantly by STs
Sustainable use	use of components of biological diversity by maintaining its potential to meet the needs and aspirations of both the present and future generations
Other traditional forest dwellers	means any member or community who has for at least three generations(about75 years) prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for <i>bona fide</i> livelihood needs.
Village	(According to the provision of PESA Act), a habitation/hamlet or a group of habitations /hamlets comprising a community and managing its affairs in accordance with traditions and customs

4.6 Probable Questions

Short Answer Questions

16. Write a brief note on historical background of the PESA.
17. Who are members of Forest Rights Committee? How are they selected?
18. How does State Legislature facilitate implementation of PESA provisions in a State?
19. Briefly present mandatory executive functions and responsibilities of gram Sabha.
20. Why is it necessary for central monitoring initiatives for effective implementation of PESA provisions?
21. Present an outline of the structure of FRA,2006.
22. Examine the basic purpose of British colonial policy.
23. How did the Wildlife Protection Act,1972 affect traditional life of the STs?

24. Distinguish between the concepts of 'core area' in WLPA and 'critical wild life habitats' in FRA.
25. What was the core of post colonial forest policy in India before FRA, 2006 ?
26. How are forest rights claims recognised? Discuss.
27. What are the duties and responsibilities of holders of forest rights? Does it contain provisions of conservation?
28. What evidences are required for determination of forest rights? Enumerate.
29. Discuss the composition of State Level Monitoring Committee and District Level Committee.
30. Explain the functions of District Level Committee.

Long Answer Questions

16. Discuss the powers and function of the Gram Sabha as per the provisions of PESA, 1996.
17. Discuss the problems in the process of implementation of PESA in Fifth Schedule States. Suggest remedial measures.
18. Discuss how PESA will help STs to safeguard and preserve their customs and traditions and check exploitations.
19. Critically examine various provisions of the PESA.
20. Give an account of colonial forest policy and how did it affect post- colonial forest policy of the country.
21. Compare and contrast between conservationist and developmental viewpoints related to STs and other traditional forest dwelling communities.
22. Give your comment on 'critical wild life habitats' in FRA as compared with 'core area' in WLPA
23. Give a historical outline of forest policies in post-colonial India with reference to key features therein.
24. Discuss the compositions and functions of Gram Sabha and Sub-Divisional Level Committee according to the provisions of the FRA Rule, 2012.
25. Critically examine the provisions of forest rights. Do you think these provisions restore the traditional rights of STs and other traditional forest dwellers? Why or why not?
26. Discuss how does FRA ensure effective conservation strategy through involvement of STs and other traditional forest dwelling communities than various acts of conservation.
27. Critically examine process of recognition of community rights on forests.
28. What are the provisions of petitions in FRA,2006? Make a critical assessment.
29. Write a note on the impact and implications of FRA,2006.
30. The Government and its Agency obstruct implementation of FRA provisions in letter and spirit. Do you agree? Justify your answer with suitable examples.

4.7 Answers to Check Your Progress

Check Your Progress I

2. 1996 2. forest rights 3. 243 M (1)
4. Part-IX 5.10

Check Your Progress II

9. PESA is applied to Scheduled Areas.
10. 73rd Amendment to the Constitution of India inserted Part IX in the Constitution.
11. PESA is enacted by the Parliament.
12. Gram Sabha shall safeguard and community resources.
13. Gram Sabha shall consist of persons whose names are included in the electoral rolls for the Panchayat at the village level.
14. Gram Sabha shall issue certification of utilisation of funds for the plans, programmes and projects by Gram Panchayat.
15. The power to exercise control over money lending to STs is vested on the Gram Sabha.
16. Panchayat is a subject in the State List

Check Your Progress III

2. FRA, 2006 2. Bhuria Committee 3. Sir Dietrich Brandis
4. The main objective of PESA was to restore power to the ST communities in their self-governing model with a view to safeguard their traditions, customs and community and exercise traditional control over common property resources.
5. The main motive of colonial forest policy was to own and control over forests, maximise revenue and restrict access of traditional communities to forests.

Check Your Progress IV

2. 1865 2. PESA empowers the Gram Sabha to safeguard and prevent land alienation, 3. State Legislature 4. Forest Act 1927
7. Gram Sabha 6. thrust was human free wilderness zones
8. Forest Act, 1988

Check Your Progress V

2. protect 2. community 3. Forest Department
4. FRA provides for both community and individual rights
5. FERA 6. 10 7. Forests Rights Committee

8. Women members 9. Sub-divisional level committee 10. encroachers

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